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1776

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NOTE

The following pages contain the more important of the papers submitted to the Continental Congress of 1776, and are taken from the edition of the Journals as printed by the Library of Congress. As the texts are given in their various forms, they will serve for a special and critical study of the papers, as well as supplement the former editions of the Journals. The papers included are the Declaration of Independence, the Articles of Confederation, the report upon coins, the plans of treaties with foreign States, and the instructions to the treaty commissioners.

WORTHINGTON CHAUNCEY FORD,
Chief of Division of Manuscripts, Editor.

HERBERT PUTNAM,
Librarian of Congress.

DECLARATION OF INDEPENDENCE

DECLARATION OF INDEPENDENCE

FRIDAY, JUNE 28, 1776

FIRST DRAFT¹

A Declaration by the Representatives of the United States of America in general Congress assembled.

When in the Course of human Events it becomes necessary for a People to advance from that Subordination, in which they have

REPORTED DRAFT

A Declaration by the Representatives of the United States of America, in General² Congress assembled.

When in the course of human events it becomes necessary for a one people to ~~advance from that subordination in which they have~~

¹ The "first draft" is from a manuscript in the writing of John Adams, among the Adams Papers, as printed in the *Writings of Thomas Jefferson* (Ford), II, 42. It probably represents the original form of the paper, but the capitalization is Adams's, not Jefferson's. The "second draft" is from the manuscript in the Department of State, which has been reproduced many times in facsimile. I have given the text of this manuscript in full, showing the changes made during its consideration in committee and in Congress. In notes I give the more important differences to be found in copies of the Declaration which Jefferson prepared for his friends. That in the Madison collection is called "MS. A," and that in the Emmet collection is called "MS. B." The latter was probably intended to be a copy of the first form in which the Declaration left Jefferson's hand, and should be like the Adams manuscript. Differences exist, however, and only a definite statement from Jefferson could indicate the time at which this MS. B. was prepared. MS. A was doubtless prepared at a later period, being embodied in the notes of debates in the Congress of 1776, prepared for Madison by Jefferson, "as a copy from his original notes." These original notes are in the Jefferson Manuscripts in the Library of Congress, 5th Series, III. Jefferson says that words with a "black line under them were struck out by Congress"—here distinguished by [].

² In MS. A this word is in brackets.

hitherto remained and to assume among the Powers of the Earth, the equal and independent Station to which the Laws of Nature and of Nature's God entitle them, a decent Respect to the opinions of Mankind requires that they should declare the Causes, which impell them to the Change.

We hold these Truths to be self evident; that all Men are created equal and independent; that from that equal Creation they derive Rights inherent and unalienable; among which are the Preservation of Life, and Liberty, and the Pursuit of Happiness; that to secure these Ends, Governments are instituted among Men, deriving their just Powers from the Consent of the governed; that whenever, any form of Government, shall become destructive of these ends, it is the Right of the People to alter, or to abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall Seem most likely to effect their Safety and Happiness. Prudence indeed will dictate that Governments long established should not be changed for light and transient Causes; and accordingly all Experience hath shown, that Mankind are more dis-

~~hitherto remained, & to dissolve the political bands which have connected them with other another and to assume among the powers of the earth the equal & independent separate and equal station to which the laws of nature & of nature's god entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the change the separation.~~

We hold these truths to be ~~sa-~~
~~ered & undeniable~~ self-evident; that all men are created equal, & independent; that ~~from that equal creation they derive in~~ they are endowed by their creator with equal rights ~~some of which are~~ certain [inherent &] inalienable rights; that among ~~which~~ these are ~~the preservation of life, & liberty, & the pursuit of happiness;~~ that to secure these ends rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government ~~shall~~ becomes destructive of these ends, it is the right of the people to alter or to abolish it, & to institute new government, laying it's foundation on such principles & organising it's powers in such form, as to them shall seem most likely to effect their safety & happiness. prudence indeed will dictate that governments long established should

posed to Suffer, while Evils are Sufferable, than to right themselves, by abolishing the Forms to which they are accustomed. But when a long Train of Abuses and Usurpations, begun at a distinguish'd Period, and pursuing invariably, the same object, evinces a Design to reduce them under absolute Power, it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future Security. Such has been the patient Sufferance of these Colonies; and such is now the Necessity, which constrains them to expunge their former Systems of Government.

The History of his present Majesty, is a History of unremitting Injuries and Usurpations, among which no one Fact stands Single or Solitary to contradict the uniform Tenor of the rest, all of which have in direct object, the Establishment of an absolute Tyranny over these States. To prove this, let Facts be Submitted to a candid World, for the Truth of which We pledge a Faith, as yet unsullied by falsehood.

not be changed for light & transient causes: and accordingly all experience hath shewn that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. but when a long train of abuses & usurpations, [begun at a distinguished period, &] pursuing invariably the same object, evinces a design to ~~subject~~ reduce them ~~to arbitrary power,~~ under absolute Despotism,¹ it is their right, it is their duty, to throw off such government & to provide new guards for their future security. such has been the patient sufferance of these colonies; & such is now the necessity which constrains them to [expunge] alter their former systems of government. the history of ~~his~~ the present ~~Majesty~~ King of Great Britain,² is a history of [unremitting] repeated injuries and usurpations, [among which ~~no one fact stands single or solitary~~ appears no solitary fact to contradict the uniform tenor of the rest, ~~all of which~~ [have] but] all having in direct object the establishment of an absolute tyranny over these states. to prove this let facts be submitted to a candid world, [for the truth of which we pledge a faith yet unsullied by falsehood.]

¹Against these three words Jefferson has written "Dr. Franklin's hand writing," but the insertion appears to have been made by Jefferson himself.

²Against these four words Jefferson has written: "Mr. Adams's hand writing."

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing Importance, unless suspended in their operation, till his Assent should be obtained; and when so suspended he has neglected utterly to attend to them.

He has refused to pass other Laws for the accommodation of large Districts of People, unless those People would relinquish the Right of Representation in the Legislature, a Right inestimable to them, and formidable to Tyrants only.

He has dissolved Representative Houses, repeatedly, and continually, for opposing with manly Firmness his Invasions on the Rights of the People.

He has refused, for a long Space of Time after such Dissolutions, to cause others to be elected, whereby the legislative Powers, incapable of annihilation, have returned to the People at large for their Exercise, the state remaining in the mean time, exposed to

he has refused his assent to laws the most wholesome and necessary for the public good:

he has forbidden his governors to pass laws of immediate & pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected ~~utterly~~ to attend to them.

he has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them, & formidable to tyrants only:

he has called together legislative bodies at places unusual, uncomfortable, & distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures:

he has dissolved Representative houses repeatedly [& continually] for opposing with manly firmness his invasions on the rights of the people:

~~when dissolved~~ he has refused for a long ~~space of time~~ time after such Dissolutions¹ to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise, the state remaining in the mean time

¹ Against these four words Jefferson has written "Mr. Adams."

all the Dangers of Invasion, from without, and Convulsions within.

He has endeavoured to prevent the Population of these States; for that purpose obstructing the Laws for naturalization of foreigners; refusing to pass others to encourage their Migrations hither; and raising the Conditions of new Appropriations of Lands.

He has suffered the Administration of Justice totally to cease in some of these Colonies, refusing his Assent to Laws for establishing Judiciary Powers.

He has made our Judges dependent on his Will alone, for the Tenure of their offices, and amount of their Salaries:

He has created a Multitude of new offices by a Self-assumed Power, and sent hither swarms of officers to harrass our People and eat out their Substance.

He has kept among us, in Times of Peace, Standing Armies and Ships of War.

He has affected to render the military, independent of, and Superiour to, the civil Power.

He has combined with others to

exposed to all the dangers of invasion from without, & convulsions within:

he has endeavored to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither; & raising the conditions of new appropriations of lands:

he has [suffered] obstructed the administration of justice [totally to cease in some of these colonies states,] by refusing his assent to laws for establishing judiciary powers:

he has made [our] judges dependant on his will alone, for the tenure of their offices, and the amount & payment¹ of their salaries:

he has erected a multitude of new offices [by a self-assumed power,] & sent hither swarms of² officers to harrass our people & eat out their substance:

he has kept among us in times of peace ~~although our Conduct~~³ standing armies [& ships of war] without ~~our~~ the consent of our Legislatures:

he has affected to render the military, independent of & superior to the civil power:

he has combined with others to

¹ Against these words Jefferson has written "Dr. Franklin."

² MS. A reads "new officers."

³ These words were in the writing of John Adams.

subject us to a Jurisdiction foreign to our Constitution and unacknowledged by our Laws; giving his Assent to their pretended Acts of Legislation; for quartering large Bodies of armed Troops among us; for protecting them by a Mock Tryal from Punishment for any Murders they should commit on the Inhabitants of these States; for cutting off our Trade with all Parts of the World; for imposing Taxes on us without our Consent; for depriving Us of the Benefits of Trial by Jury; for transporting us beyond Seas to be tried for pretended offenses; for taking away our Charters, and altering fundamentally the Forms of our Government; for suspending our own Legislatures and declaring themselves invested with Power to legislate for us in all Cases whatsoever.

subject us to a jurisdiction foreign to our constitutions and unacknowledged by our laws; giving his assent to their acts of pretended acts of legislation, for quartering large bodies of armed troops among us;

for protecting them by a mock-trial from punishment for any murders which they should commit on the inhabitants of these states;

for cutting off our trade with all parts of the world;

for imposing taxes on us without our consent;

for depriving us in many cases¹ of the benefits of trial by jury;

for transporting us beyond seas to be tried for pretended offences;

for abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government and enlarging it's boundaries so as to render it at once an example & fit instrument for introducing the same absolute rule into these colonies [states] colonies;

for taking away our charters, abolishing our most important valuable Laws,² and altering fundamentally the forms of our governments,

for suspending our own legislatures and declaring themselves invested with power to legislate for us in all cases whatsoever:

¹ MS. B. omits these three words.

² Against this phrase Jefferson has written "Dr. Franklin."

ated Government he has abdicated government
 ng his Governors, here, [withdrawing his governors,
 s, out of his Alle- & declaring us out of his alle-
 giance & protection:] by declar-
 ation. ing us out of his protection &
 waging war against us.¹

red our Seas, rav- he has plundered our seas, rav-
 , burnt our towns, aged our coasts, burnt our towns
 he Lives of our & destroyed the lives of our
 people:

Time transporting he is at this time transporting
 f foreign Merce- large armies of Scotch and other
 ate the Works of foreign mercenaries to compleat
 n, and Tyranny, the works of death desolation and
 ith Circumstances tyranny already begun with cir-
 Perfidy unworthy cumstances of cruelty & perfidy
 vilized Nation. scarcely paralleled in the most
 barbarous ages and totally un-
 worthy the head of a civilized
 nation:

oured to bring on he has constrained &c.²
 of our Frontiers, he has excited domestic insurrec-
 Indian Savages, tions amongst us and has endeav-
 ile of Warfare is ored to bring on the inhabitants of
 d Destruction of our frontiers the merciless Indian
 and Conditions of savages, whose known rule of war-
 fare is an undistinguished destruc-
 tion of all ages, sexes, & condi-
 tions [of existence:]

reasonable Insur- [he has incited treasonable in-
 Fellow Citizens, surrections of our fellow-citizens,
 nt of Forfeiture with the allurements of forfeiture
 of our Property. & confiscation of our property:

He has constrained others,³ ~~fall-
 ing into his hands~~ taken captive
 on the high seas to bear arms

words "and waging war against us."

of insertion for locating in the final form the paragraph given
 s the final order of paragraphs, while MS. B. follows the earlier

r fellow citizens."

against their country, & ~~to de-
stroy & be destroyed by the
brethren whom they love,~~ to be-
come the executioners of their
friends & brethren, or to fall
themselves by their hands:

He has waged cruel War against human Nature itself, violating its most sacred Rights of Life and Liberty in the Persons of a distant People who never offended him, captivating and carrying them into Slavery in another Hemisphere, or to incur miserable Death, in their Transportation thither. This piratical Warfare, the opprobrium of infidel Powers, is the Warfare of the Christian King of Great Britain.

He has prostituted his Negative for Suppressing every legislative Attempt to prohibit or to restrain an execrable Commerce, determined to keep open a Markett where Men should be bought and sold. and that this assemblage of Horrors might want no Fact of distinguished Die

He is now exciting those very People to rise in Arms among us, and to purchase their Liberty of which he has deprived them, by murdering the People upon whom he also obtruded them: thus paying off, former Crimes committed against the Liberties of one People, with Crimes which he urges them to commit against the Lives of another.

he has waged cruel war against human nature itself, violating it's most sacred rights of life & liberty in the persons of a distant people, who never offended him, captivating & carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. this piratical warfare, the opprobrium of *infidel* powers, is the warfare of the CHRISTIAN king of Great Britain determined to keep open a market where MEN should be bought & sold, and he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce ~~determining to keep open a market where MEN should be bought and sold:~~ and that this assemblage of horrors might want no fact of distinguished dye, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which *he* has deprived them, by murdering the people upon whom *he* also obtruded them: thus paying off former crimes committed against the *liberties* of one people, with crimes which he urges them to commit against the *lives* of another.]

In every stage of these oppressions we have petitioned for redress, in the most humble Terms; our repeated Petitions have been answered by repeated Injury. A Prince, whose Character is thus marked by every Act which may define a Tyrant, is unfit to be the Ruler of a People who mean to be free. future ages will scarce believe, that the Hardiness of one Man, adventured, within the Short Compass of twelve years only, on so many Acts of Tyranny, without a Mask, over a People, fostered and fixed in the Principles of Liberty.

Nor have we been wanting in Attentions to our British Brethren. We have warned them from Time to Time of attempts of their Legislature to extend a Jurisdiction over these our States. We have reminded them of the Circumstances of our Emigration and Settlement here, no one of which could warrant so strange a Pretension. That these were effected at the expense of our own Blood and Treasure, unassisted by the Wealth or the Strength of Great Britain; that in constituting indeed, our Several Forms of Government,

in every stage of these oppressions we have petitioned for redress in the most humble terms; our repeated petitions have been answered only ¹ by repeated injuries.² a prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people [who mean to be free. future ages will scarce³ believe that the hardiness and ~~audacity~~ of one man adventured within the short compass of twelve years only, ~~on so many acts of tyranny without a mask~~ to lay build a foundation, so broad & undisguised,⁴ for tyranny over a people fostered & fixed in principles of ~~liberty~~ freedom.]

Nor have we been wanting in attentions to our British brethren. we have warned them from time to time of attempts by their legislature to extend a⁵ an unwarrantable jurisdiction over [these our states] us. we have reminded them of the circumstances of our emigration & settlement here, [no one of which could warrant so strange a pretension: that these were effected at the expence of our own blood & treasure, unassisted by the wealth or the strength of Great Britain: that in constituting indeed our several

¹ Against this word Jefferson has written "Dr. Franklin."

² MS. B. reads "injury."

³ MS. A. reads "scarcely."

⁴ MS. A. reads "so undisguised."

⁵ This word should have been stricken out.

we had adopted one common King, thereby laying a Foundation for Perpetual League and Amity with them; but that Submission to their Parliament, was no Part of our Constitution, nor ever in Idea, if History may be credited; and we appealed to their Native Justice and Magnanimity, as well as to the Ties of our common Kindred to disavow these usurpations, which were likely to interrupt our Correspondence and Connection. They too have been deaf to the Voice of Justice and of Consanguinity, and when occasions have been given them by the regular Course of their Laws of removing from their Councils, the Disturbers of our Harmony, they have by their free Election, re-established them in Power. At this very Time too, they are permitting their Chief Magistrate to send over not only soldiers of our common Blood, but Scotch and foreign Mercenaries, to invade and deluge us in Blood. These Facts have given the last Stab to agonizing affection, and manly Spirit bids us to renounce forever these unfeeling Brethren. We must endeavour to forget our former Love for them, and to hold them, as we hold the rest of Mankind, enemies in War, in Peace Friends. We might have been a free and a great People together

forms of government, we had adopted one common king, thereby laying a foundation for perpetual league & amity with them: but that submission to their parliament was no part of our constitution, nor ever in idea if history may be credited: and] we have appealed to their native justice & magnanimity, [as well as to] & we have conjured them by the ties of our common kindred to disavow these usurpations which [were likely to] would inevitably interrupt our connection & correspondence & ~~connection~~ they too have been deaf to the voice of justice & of consanguinity, [& when occasions have been given them, by the regular course of their laws, of removing from their councils the disturbers of our harmony, they have by their free election re-established them in power. at this very time too they are permitting their chief magistrate to send over not only soldiers of our common blood, but Scotch & foreign mercenaries, to invade & ~~deluge us in blood~~ destroy us.¹ these facts have given the last stab to agonizing affection, and manly spirit bids us to renounce for ever these unfeeling brethren. we must endeavor to forget our former love for them, and to hold them as we hold the rest of mankind, enemies in war, in peace friends. we might have

¹ Against these two words Jefferson has written "Dr. Franklin."

but a Communication of Grandeur and of Freedom it seems is below their Dignity. Be it so, since they will have it: The Road to Happiness and to Glory is open to us too; we will climb it, apart from them, and acquiesce in the Necessity which denounces our eternal Separation.

We therefore the representatives of the United States of America in General Congress assembled, do, in the Name, and by the Authority of the good People of these States, reject and renounce all Allegiance and Subjection to the Kings of Great Britain, and all others, who may hereafter claim by, through, or under them; we utterly dissolve and break off, all political Connection which may have heretofore subsisted between us and the People or Parliament of Great Britain, and finally we do assert and declare these Colonies to be free and independent States, and that as free and independent States they shall hereafter have Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other

been a free & a great people together; but a communication of grandeur & of freedom it seems is below their dignity. be it so since they will have it: the road to ~~glory~~ & happiness & to glory is open to us too; we will climb ~~must~~ tread it in a separately state apart from them, and] we must therefore acquiesce in the necessity which ~~pre~~ denounces our ~~ever~~ ~~lasting~~ ~~Adieu!~~ [eternal] separation, and hold them as we hold the rest of mankind enemies in war, in peace friends!

We therefore the representatives of the United States of America in General Congress assembled appealing to the supreme judge of the world for the rectitude of our intentions do in the name & by authority of the good people of these [states] colonies, [reject and renounce all allegiance & subjection to the kings of Great Britain¹ & all others who may hereafter claim by, through, or under them; we utterly dissolve & ~~break off~~ all political connection which may ~~have~~ heretofore have subsisted between us & the people or parliament² of Great Britain; and finally we do assert and declare these colonies to be free and independant states, and that as free & independant states, they shall

¹ Against this paragraph Jefferson wrote "a different phraseology inserted."

² MS. B. reads "parliament or people."

Acts and Things which independent States may of Right do. And for the Support of this Declaration, we mutually pledge to each other our Lives, our Fortunes, and our Sacred Honour.

~~hereafter~~ have full power to levy war conclude peace, contract alliances, establish commerce, & to do all other acts and things which independant states may of right do. And for the support of this declaration] we mutually pledge to each other our lives, our fortunes, & our sacred honour.

THURSDAY, JULY 4, 1776

Agreeable to the order of the day, the Congress resolved itself into a committee of the whole, to take into their farther consideration, the declaration; ||and, after some time,|| the president resumed the chair. Mr. [Benjamin] Harrison reported, that the committee of the whole Congress have agreed to a Declaration, which he delivered in.

The Declaration being again read, was agreed to as follows:

The unanimous Declaration of the thirteen United States of America.

When, in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these, are Life, Liberty, and the pursuit of Happiness. That, to secure these rights, Governments are instituted among Men, deriving their just Powers from the consent of the governed. That, whenever any form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such Principles, and organizing its Powers in such form, as to them shall seem

most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same Object, evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future Security. Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of People, unless those People would relinquish the right of Representation in the legislature; a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole Purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the People.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the Population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our People, and eat out their substance.

He has kept among us, in times of Peace, Standing Armies, without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us, in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighbouring province, establishing therein an Arbitrary government, and enlarging its Boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his protection, and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the Lives of our People.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens, taken Captive on the high Seas, to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions, We have Peti-

tioned for Redress, in the most humble terms: Our repeated Petitions, have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free People.

Nor have We been wanting in attentions to our Brittish brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred, to disavow these usurpations, which, would inevitably interrupt our connexions and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in GENERAL CONGRESS assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, DO, in the Name, and by Authority of the good People of these Colonies, solemnly PUBLISH and DECLARE, That these United Colonies are, and of Right, ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connexion between them and the State of Great Britain, is and ought to be totally dissolved; and that, as FREE and INDEPENDENT STATES, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which INDEPENDENT STATES may of right do. AND for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge

to each other our Lives, our Fortunes, and our sacred Honour.

||The foregoing declaration was, by order of Congress, engrossed, and signed by the following members:||¹

JOHN HANCOCK.

JOSIAH BARTLETT.

GEO. TAYLOR.

W^m WHIPPLE.

JAMES WILSON.

SAM^l ADAMS.

GEO. ROSS.

JOHN ADAMS.

CÆSAR RODNEY.

ROB^t TREAT PAINE.

GEO READ.

ELBRIDGE GERRY.

THOS M:KEAN.

STEPH. HOPKINS.

SAMUEL CHASE.

WILLIAM ELLERY.

W^m PACA.

ROGER SHERMAN.

THO^s STONE.

SAM^{el} HUNTINGTON.

CHARLES CARROLL of Car-
rollton.

W^m WILLIAMS.

OLIVER WOLCOTT.

GEORGE WYTHE.

MATTHEW THORNTON.

RICHARD HENRY LEE.

W^m FLOYD.

TH. JEFFERSON.

PHIL LIVINGSTON.

BENJ^A HARRISON.

FRAN^s LEWIS.

THO^s NELSON, Jr.

LEWIS MORRIS.

FRANCIS LIGHTFOOT LEE.

RICH^d STOCKTON.

CARTER BRAXTON.

JNO WITHERSPOON.

W^m HOOPER.

FRA^s HOPKINSON.

JOSEPH HEWES.

JOHN HART.

JOHN PENN.

ABRA CLARK.

EDWARD RUTLEDGE.

ROB^t MORRIS.

THO^s HEYWARD, Jun^r

BENJAMIN RUSH.

THOMAS LYNCH, Jun^r

BENJ^A FRANKLIN.

ARTHUR MIDDLETON.

JOHN MORTON.

BUTTON GWINNETT.

GEO CLYMER.

LYMAN HALL.

JA^s SMITH.

GEO WALTON.

¹The text used is that of the engrossed original in the Department of State.

Ordered, That the declaration be authenticated and printed.

That the committee appointed to prepare the declaration, superintend and correct the press.

That copies of the declaration be sent to the several assemblies, conventions and committees, or councils of safety, and to the several commanding officers of the continental troops; that it be proclaimed in each of the United States, and at the head of the army.¹

¹ "A determined resolution of the Delegates from some of the Colonies to push the question of Independency has had a most happy effect, and after a day's debate, all the Colonies, except New York, whose Delegates are not empowered to give either an affirmative or negative voice, united in a declaration long sought for, solicited, and necessary—the Declaration of Independency." *Elbridge Gerry to General Warren*, 5 July, 1776.

The Declaration was printed in the *Pennsylvania Evening Post*, 6 July, 1776, and in the *Pennsylvania Gazette*, 10 July, 1776.

ARTICLES OF CONFEDERATION

ARTICLES OF CONFEDERATION¹

FRIDAY, JULY 12, 1776

Articles of confederation and perpetual union, between the colonies of

*New Hampshire,
Massachusetts Bay,
Rhode Island,
Connecticut,
New York,
New Jersey,
Pennsylvania,*

*The counties of New Castle, Kent
and Sussex on Delaware,
Maryland,
Virginia,
North Carolina,
South Carolina, and
Georgia.*

ART. I. THE Name of this Confederacy shall be "THE UNITED STATES OF AMERICA."

ART. II. The said Colonies unite themselves so as never to be divided by any Act whatever, and hereby severally enter into a firm League of Friendship with each other, for their common Defence, the Security of their Liberties, and their mutual and general Welfare, binding the said Colonies to assist one another against all Force offered

¹The Articles of Confederation as first laid before Congress and ordered to be printed are in the *Papers of the Continental Congress*, No. 47. The original manuscript is in the writing of John Dickinson (folio 9,) but was used by Charles Thomson in noting such changes or amendments as were made in Congress, before the Articles were ordered to be printed a second time, on August 20. I have sought to give in this place the Articles as they were prepared by Dickinson, with the few changes he made while writing them, and with the queries which he noted on the margin. The text is substantially that printed in the first issue. Under August 20 is again repeated this first printed issue in parallel with the Articles as reported to Congress on that day and ordered to be printed.

to or attacks made upon them or any of them, on Account of Religion, Sovereignty, Trade, or any other Pretence whatever.

ART. III. Each Colony shall retain and enjoy as much of its present Laws, Rights and Customs, as it may think fit, and reserves to itself the sole and exclusive Regulation and Government of its internal police, in all matters that shall not interfere with the Articles of this Confederation.¹

ART. IV. No Colony or Colonies, without the Consent of the United States ~~in Congress~~ assembled, shall send any Embassy to or receive any Embassy from, or enter into any Treaty, Convention or Conference with the King or Kingdom of Great-Britain, or any foreign Prince or State; nor shall any Colony or Colonies, nor any Servant or Servants of the United States, or of any Colony or Colonies, accept of any Present, Emolument, Office, or Title of any Kind whatever, from the King or Kingdom of Great-Britain, or any foreign Prince or State; nor shall the United States assembled, or any Colony grant any Title of Nobility.

ART. V. No two or more Colonies shall enter into any Treaty, Confederation or Alliance whatever between them, without the previous and free Consent and Allowance of the United States ~~in Congress~~ assembled, specifying accurately the Purposes for which the same is to be entered into, and how long it shall continue.

ART. VI. The Inhabitants of each Colony shall henceforth always have the same Rights, Liberties, Privileges, Immunities and Advantages, in the other Colonies, which the said Inhabitants now have, in all Cases whatever, except in those provided for by the next following Article.

ART. VII. The Inhabitants of each Colony shall enjoy all the Rights, Liberties, Privileges, Immunities, and Advantages, in Trade, Navigation, and Commerce, in any other Colony, and in going to and from the same from and to any Part of the World, which the Natives of such Colony ~~or any Commercial Society, established by its Authority~~ shall enjoy.

ART. VIII. Each Colony may assess or lay such Imposts or Duties as it thinks proper, on Importations or Exportations, provided such Imposts or Duties do not interfere with any Stipulations in Treaties

¹ "Q. Should not the first Article provide for a Toleration and agt Establishments hereafter to be made?" *J. D.*

"Quære. The Propriety of the Union's garranteeing to every colony their respective Constitution and form of Government?" *J. D.*

hereafter entered into by the United States assembled, with the King or Kingdom of Great Britain, or any foreign Prince or State.

ART. IX. No standing Army or Body of Forces shall be kept up by any Colony or Colonies in Times of Peace, except such a Number only as may be requisite to garrison the Forts necessary for the Defence of such Colony or Colonies: But every Colony shall always keep up a well regulated and disciplined Militia, sufficiently armed and accoutred; and shall provide and constantly have ready for Use in public Stores, a due Number of Field Pieces and Tents, and a proper Quantity of Ammunition, and other Camp Equipage.¹

ART. X. When Troops are raised in any of the Colonies for the common Defence, the Commission Officers proper for the Troops raised in each Colony, except the General Officers, shall be appointed by the Legislature of each Colony respectively, or in such manner as shall by them be directed.

ART. XI. All Charges of Wars and all other Expences that shall be incurred for the common Defence, or general Welfare, and allowed by the United States in General Congress assembled, shall be defrayed out of a common Treasury, which shall be supplied by the several Colonies in Proportion to the Number of Inhabitants of every Age, Sex and Quality, except Indians not paying Taxes, in each Colony, a true Account of which, distinguishing the white² Inhabitants ~~who are not slaves~~, shall be triennially taken and transmitted to Congress the Assembly of the United States. The Taxes for paying that Proportion shall be laid and levied by the Authority and Direction of the Legislatures of the several Colonies, within the Time agreed upon by United States assembled.³

ART. XII. Every Colony shall abide by the Determinations of the United States in General Congress assembled, concerning the Services performed and Losses or Expences incurred by every Colony for the common Defence or general Welfare, and no Colony or Colonies shall in any Case whatever endeavor by Force to procure Redress of any Injury or Injustice supposed to be done by the United States to such Colony or Colonies in not granting such Satisfactions, Indemnifica-

¹ "Q. Should not this Article specify the Particulars, as to Age, Arms, Field pieces, &c." *J. D.*

² This word was inserted on striking out "who are not slaves."

³ "Q. If no Notice should be taken of the Bills already emitted, and if there should not be a Contract to contribute in due Proportion towards sinking them?" *J. D.*

tions, Compeusations, Retributions, Exemptions, or Benefits of any Kind, as such Colony or Colonies may think just or reasonable.

ART. XIII. No Colony or Colonies shall engage in any War without the previous Consent of the United States assembled, unless such Colony or Colonies be actually invaded by Enemies, or shall have received certain Advice of a Resolution being formed by some Nations of Indians to invade such Colony or Colonies, and the Danger is so imminent, as not to admit of a Delay, till the other Colonies can be consulted: Nor shall any Colony or Colonies grant Commissions to any Ships or Vessels of War, nor Letters of Marque or Reprisal, except it be after a Declaration of War by the United States assembled, and then only against the Kingdom or State and the Subjects thereof, against which War has been so declared, and under such Regulations as shall be established by the United States assembled.¹

ART. XIV. A perpetual Alliance, offensive and defensive, is to be entered into by the United States assembled as soon as may be, with the Six Nations, and all other neighbouring Nations of Indians; their Limits to be ascertained, their Lands to be secured to them, and not encroached on;² no Purchases of Lands, hereafter to be made of the Indians by Colonies or private Persons before the Limits of the Colonies are ascertained, to be valid: All Purchases of Lands not included within those Limits, where ascertained, to be made by Contracts between the United States assembled, or by Persons for that Purpose authorized by them, and the great Councils of the Indians, for the general Benefit of all the United Colonies.³

ART. XV. When the Boundaries of any Colony shall be ascertained by Agreement, or in the Manner herein after directed, all the other Colonies shall guarantee to such Colony the full and peaceable Possession of, and the free and entire Jurisdiction in and over the Territory included within such Boundaries.⁴

ART. XVI. For the more convenient Management of the general Interests of the United States, Delegates should be annually appointed in such Manner as the Legislature of each Colony shall direct, ~~or such~~

¹ "Q. How far the Expence of any War is to be defrayed by the Union?" J. D.

² "Q. How far a Colony may interfere in Indian Affairs?" J. D.

To this point this paragraph was omitted in the printed version.

³ "This Article is submitted to Congress." J. D.

⁴ "This Article is submitted to Congress.

"Q. Should there not be an Article to prevent those who are hereafter brought into these Colonies, from being held in Slavery within the Colonies?" J. D.

~~Branches thereof as the Colony shall authorize for that purpose, to meet in General Congress at the City of Philadelphia, in the Colony of Pennsylvania, until otherwise ordered by Congress the United States assembled; which Meeting shall be on the first Monday of November in every Year, with a Power reserved to those who appointed the said Delegates, respectively to supersede recall them or any of them at any time within the Year, and to send new Delegates in their stead for the Remainder of the Year. Each Colony shall support its own Delegates in Congress a Meeting of the States, and while they act as Members of the Council of State, herein after mentioned.~~¹

ART. XVII. In determining Questions ~~in Congress~~ each Colony shall have one Vote.

ART. XVIII.² The United States assembled shall have the sole and exclusive Right and Power of determining on Peace and War, except in the Cases mentioned in the thirteenth Article—Of establishing Rules for deciding in all Cases, what Captures on Land or Water shall be legal—In what Manner Prizes taken by land or naval Forces in the Service of the United States shall be divided or appropriated—Granting Letters of Marque and Reprisal in Times of Peace—Appointing Courts for the Trial of all Crimes, Frauds and Piracies committed on the High Seas, or on any navigable River, not within the Body of a County or Parish—Establishing Courts for receiving and determining finally Appeals in all Cases of Captures—Sending and receiving Ambassadors under any Character—Entering into Treaties and Alliances—Settling all Disputes and Differences now subsisting, or that hereafter may arise between two or more Colonies concerning Boundaries, Jurisdictions, or any other Cause whatever—Coining Money and regulating the Value thereof—Regulating the ~~Indian~~ Trade, and managing all ~~Indian~~ Affairs with the Indians—Limiting the Bounds of

¹“Q. If there should not be an Oath or Affirmation prescrib'd for every Delegate to take? See 31st. Vol. of Mod. Univ'l Hist.

“Q. If a Delegate should be permitted to vote by Proxy or by Writing, when absent by Reason of Sickness, &c.?” *J. D.*

²“Q. How the power is to be describ'd, if any is to be given to the United States assembled, of erecting Forts and keeping Garrisons, *in any Colony*, for the genl. Defence? Should it be done, if the Colony objects?

“Q. The power of arresting and trying persons in the Service of the United States, *in any Colony*, without applying to the Government of *such Colony*? A Dispute on this Head occasioned great Confusion in Holland.

“Q. The power of laying Embargos?” *J. D.*

those Colonies, which by Charter or Proclamation, or under any Pre-
 tence, are said to extend to the South Sea, and ascertaining those
 Bounds of any other Colony that appear to be indeterminate—Assign-
 ing Territories for new Colonies, either in Lands to be thus separated
 from Colonies and heretofore purchased or obtained by the Crown
 of Great-Britain from the Indians, or hereafter to be purchased or
 obtained from them—Disposing of all such Lands for the general
 Benefit of all the United Colonies—Ascertaining Boundaries to such
 new Colonies, within which Forms of Government are to be established
 on the Principles of Liberty¹—Establishing and regulating Post-Offices
 throughout all the United Colonies, on the Lines of Communication
 from one Colony to another—Appointing General Officers of the Land
 Forces in the Service of the United States—Commissioning such other
 Officers of the said Forces as shall be appointed by Virtue of the tenth
 Article—Appointing all the Officers of the Naval Forces in the Service
 of the United States—Making Rules for the Government and Regula-
 tion of the said Land and Naval Forces, and directing the ~~Marches,~~
~~Cruises and operations of such land and naval Forces~~—Appointing a
 Council of State, and such Committees and civil Officers as may be
 necessary for managing the general Affairs of the United States,
 under their Direction while assembled, and in their Recess, of the
 Council of State—Appointing one of their number to preside, and a
 suitable Person for Secretary—And adjourning to any Time within
 the Year.

The United States assembled shall have Authority for the Defence
 and Welfare of the United Colonies and every of them, to agree upon
 and fix the necessary Sums and Expences—To emit Bills, or to borrow
 Money on the Credit of the United Colonies—To raise Naval Forces—
 To agree upon the Number of Land Forces to be raised, and to make
 Requisitions from the Legislature of each Colony, or the Persons
 therein authorized by the Legislature to execute such Requisitions, for
 the Quota of each Colony, which is to be in Proportion to the Number
 of white Inhabitants in that Colony ~~who are not slaves~~, which Requi-
 sitions shall be binding, and thereupon the Legislature of each Colony
 or the Persons authorized as aforesaid, shall appoint the Regimental
 Officers, ~~and~~ raise the Men, and arm and equip them in a soldier-like
 Manner; and the Officers and Men so armed and equipped, shall march
 to the Place appointed, and within the Time agreed on by the United
 States assembled.

¹ "These clauses [from Limiting the Bounds, &c.] are submitted to Congress." *J. D.*

But if the United States assembled shall on Consideration of Circumstances judge proper, that any Colony or Colonies should not raise Men, or should raise a smaller Number than the Quota or Quotas of such Colony or Colonies, and that any other Colony or Colonies should raise a greater number of men than the Quota or Quotas thereof, such extra-numbers shall be raised, officered, armed and equipped in the same Manner as the Quota or Quotas of such Colony or Colonies, unless the Legislature of such Colony or Colonies respectively, shall judge, that such extra-numbers cannot be safely spared out of the same, in which Case they shall raise, officer, arm and equip as many of such extra-numbers as they judge can be safely spared; and the Officers and Men so armed and equip[p]ed shall march to the Place appointed, and within the Time agreed on by the United States assembled.

To establish the same Weights and Measures throughout the United Colonies.

But the United States assembled shall never impose or levy any Taxes or Duties, except in managing the Post-Office, nor interfere in the internal Police of any Colony, any further than such Police may be affected by the Articles of this Confederation. The United States assembled shall never engage the United Colonies in a War, nor grant Letters of Marque and Reprisal in Time of Peace, nor enter into Treaties or Alliances, nor coin Money nor regulate the Value thereof, nor agree upon nor fix the Sums and Expences necessary for the Defence and Welfare of the United Colonies, or any of them, nor emit Bills, nor borrow Money on the Credit of the United Colonies, nor raise Naval Forces, nor agree upon the Number of Land Forces to be raised, unless the Delegates of nine Colonies freely assent to the same:¹ Nor shall a Question on any other Point, except for adjourning, be determined, unless the Delegates of seven Colonies vote in the affirmative.

No Person shall be capable of being a Delegate for more than three Years in any Term of six Years.

No Person holding any Office under the United States, for which he, or another for his Benefit, receives any Salary, Fees, or Emolument of any Kind, shall be capable of being a Delegate.

The Assembly of the United States to publish the Journal of their Proceedings monthly, except such Parts thereof relating to Treaties, Alliances, or military Operations, as in their Judgment require Secrecy—The Yeas and Nays of the Delegates of each Colony on any Question to be entered on the Journal, where it is desired by any

¹ “Q. If so large a Majority is necessary in concluding a Treaty of Peace?” *J. D.*

Delegate; and the Delegates of a Colony, or any of them, at his or their Request, to be furnished with a Transcript of the said Journal, except such Parts as are above excepted, to lay before the Legislatures of the several Colonies.¹

ART. XIX. The Council of State shall consist of one Delegate from each C[o]lony, to be named annually by the Delegates of each Colony, and where they cannot agree, by the United States assembled.²

~~The Business and Duty of This Council~~ shall have Power to receive and open all Letters directed to the United States, and to return proper Answers; but not to make any Engagements that shall be binding on the United States—To correspond with the Legislature of each Colony, and all Persons acting under the Authority of the United States, or of the said Legislatures—To apply to such Legislatures, or to the Officers in the several Colonies who are entrusted with the executive Powers of Government, for occasional Aid whenever and wherever necessary—To give Counsel to the Commanding Officers, and to direct military Operations by Sea and Land, not changing any Objects or Expeditions determined on by the United States assembled, unless an Alteration of Circumstances which shall come to the Knowledge of the Council after the Recess of the States, shall make such Change absolutely necessary—To attend to the Defence and Preservation of Forts and strong Posts, and to prevent the Enemy from acquiring new Holds—To procure Intelligence of the Condition and Designs of the Enemy—To expedite the Execution of such Measures as may be resolved on by the United States assembled, in Pursuance of the Powers hereby given to them—To draw upon the Treasurers for such Sums as may be appropriated by the United States assembled, and for the Payment of such Contracts as the said Council may make in Pursuance of the Powers hereby given to them—To superintend and controul or suspend all Officers civil and military, acting under the Authority of the United States—In Case of the Death or Removal of any Officer within the Appointment of the United States assembled, to employ a Person to fulfill the Duties of such Office until the Assembly of the States meet—To publish and disperse

¹ “Q. Whether the proceedings of the Assembly of the States should not be published weekly, except such Matters as relate to Alliances, military Operations, &c, which require Secrecy? If this is not proper, yet, should not every Delegate have a Right to enter his Protest, and assign his Reasons, and even publish them, if he thinks fit?” *J. D.*

² “Q. The Oath of a Councillor?” *J. D.*

authentic Accounts of military Operations—To summon an Assembly of the States at an earlier Day than that appointed for their next Meeting, if any great and unexpected Emergency should render it necessary for the Safety or Welfare of the United Colonies or any of them—To prepare Matters for the Consideration of the United States, and to lay before them at their next Meeting all Letters and Advices received by the Council, with a Report of their Proceedings—To appoint a proper Person for their Clerk, who shall take an Oath of Secrecy and Fidelity, before he enters on the Exercise of his Office—Seven Members shall have Power to act—In Case of the Death of any Member, the Council shall immediately apply to his surviving Colleagues to appoint some one of themselves to be a Member thereof till the Meeting of the States, and if only one survives, they shall give him¹ immediate Notice, that he may take his Seat as a Councilor till such Meeting.²

ART. XX. Canada acceding to this Confederation, and entirely joining in the Measures of the United Colonies, shall be admitted into and entitled to all the Advantages of this Union: But no other Colony shall be admitted into the same, unless such Admission be agreed to by the Delegates of nine Colonies.

These Articles shall be proposed to the Legislatures of all the United Colonies, to be by them considered, and if approved by them, they are advised to authorize their Delegates to ratify the same in the Assembly of the United States, which being done, the foregoing Articles of this Confederation shall inviolably be observed by every Colony, and the Union is to be perpetual: Nor shall any Alteration be at any Time hereafter made in these Articles or any of them, unless such Alteration be agreed to in an Assembly of the United States, and be afterwards confirmed by the Legislatures of every Colony.³

The following paper is in the Franklin Manuscripts in the Library of Congress. Although the document itself is not in the writing of Franklin, there is a slip of paper on which he wrote:

"This Paper was drawn up by B. Franklin in 1776, he being then President of the Convention of Pennsylvania; but he was dissuaded from endeavouring to carry it

¹This word omitted in the printed version.

²"Q. If the Secretary of the Congress should not be Secretary to the Council of States to prevent unnecessary Expence and the Discovery of Secrets—It would also promote the Despatch of Business." *J. D.*

³"Q. If there should not be a solemn Oath taken by every Colony, or its Delegates, authorized for that Purpose, by the respective Legislatures, to observe and abide by all and similar the Articles of this Confederation?" *J. D.*

through, from some prudential Considerations respecting the necessary Union at that time of all the States in Confederation ”

The paper must have been prepared in the interval between July 12 and August 20, the dates of the submission to Congress of the first form of the Confederation and of the rising of the Pennsylvania Convention.

“We the Representatives of the State of Pennsylvania in full Convention met, having duly Considered the plan of Confederation formed in Congress, and submitted to the several States, for their Assent or Dissent, do hereby declare the Dissent of this State to the same for the following reasons vizt

1st Because the foundation of every Confederation intended to be lasting, ought to be laid in Justice and Equity, no unfair Advantage being given to, or taken by, any of the Contracting parties.

“2^d Because it is, in the Nature of things, just and equal, that the respective States of the Confederacy should be represented in Congress, and have Votes there in proportion to their Importance, arising from their Numbers of People, and the Share and degree of Strength they afford to the United Body. And therefore the xviith Article (1 Note) which gives one Vote to the smallest State and no more to the largest when the difference between them may be as 10 to 1, or greater, is unjust, and injurious to the larger States, since all of them are by other Articles obliged to Contribute in proportion to their respective abilities.

“3^d Because the Practice hitherto in Congress, of allowing only one Vote to each Colony, was originally taken up under a Conviction of its Impropriety and Injustice, was intended to be in some future time Corrected, and was then and since submitted to only as a Temporary Expedient, to be used in ordinary Business, until the means of rectifying the same could be obtained; This clearly appears by the Resolve of Congress dated Sept 6, 1774 being the day of its meeting which Resolve is in these Words: “That in determining Questions in this Congress, each Colony or Province shall have one Vote, the Congress not being possessed of, or at present able to procure proper Materials, for Ascertaining the Importance of each Colony.” That Importance has since been supposed to be best found in the Numbers of the People, for the Congress not only by their Resolution when the Issuing of bills was agreed to, but by this present Confederation, have judged that the Contribution towards sinking those Bills and to the common Expence should be in proportion to such Numbers when they could be taken, which has not yet been done; And tho the larger Colonies submitted to this temporary Inequality of Representation, expecting it would much sooner have been rectified, it never was understood that by the resolution above cited a power was given to the smaller States to fix that Inequality upon them forever, as those small States have now attempted to do by Combining to vote for this 17th Article, and thereby to deprive the larger States of their just right, acknowledged in the same resolution. And the smaller States having given us in Advance, this Striking Instance of the Injustice they are capable of, and of the

“Note 1. This since forms Part of the 5th Article of the Confederation as agreed to by all the States, except Maryland,—on the 9th July 1778:—and finally ratified by the whole Union, on the 1st March 1781.—(the State of Maryland acceding thereto)” *William Temple Franklin*, on original manuscript. From the Franklin Manuscripts in the Library of Congress, folio 293.

possible Effects of their Combination, is of itself a sufficient reason for our determining not to put ourselves in their power by agreeing to this Article, as it stands connected with those concerning the Quota's of each State, since being a Majority of States in Congress, they may by the same Means at any time deprive the larger States of any Share in the Disposition of our Strength and Wealth, and the Management of our Common Interests.

"But as the smaller Colonies, may object, that if the larger are allowed a Number of Votes in proportion to their Importance, the smaller will then be equally in danger of being overpowered and governed by them, We not having the least desire of any Influence or Power that is unjust or unequal or disproportioned to the Burthens we are to bear, do hereby offer our Consent to the said 17th Article as it now stands, provided the Quotas to be contributed by the larger Provinces, shall be reduced to an equality with the smallest—in which Case all by Contributing equally will have a right to equal Votes. Not that we mean thereby to avoid granting additional Aids, when the Exigence of our common Interests shall appear to us to make them proper and Necessary, but leaving to the Congress, with regard to such additional Aids, the right of making Requisitions as enjoy'd by our late Kings, we would reserve to ourselves the right of Judging of the Propriety of these Requisitions, or of Refusing or Complying with them in part, or in the whole, as to us shall seem best, and of modifying our Grants with such Conditions as we shall Judge Necessary, in like Manner as our Assemblies might formerly do with regard to Requisitions from the Crown. For it appears to us Just and reasonable, that we should retain the Disposition of what Strength we have, above the equal Proportion, contributed as aforesaid by our State to the Common Service; with every power necessary to apply the same, as Occasions may arise, for our particular Security; This we mean to do from this time forward, unless we are allowed Votes in Congress, proportioned to the Importance of our State, as was originally intended.

Signed by Order of the Convention "

William Temple Franklin has added the following note:

"Tho' this Protest was not acted upon for the Reasons previously assigned by Dr Franklin, it serves however to shew his Opinion, and arguments in support of a very important question of American Legislation, and is an additional feature of his political Mind."

Resolved, That eighty copies, and no more, of the confederation, as brought in by the committee, be immediately printed, and deposited with the secretary, who shall deliver one copy to each member:

~~That a committee of be appointed to superintend the press, who shall take care that the foregoing resolution~~ [unfinished]

That the printer be under oath to deliver all the copies, which he shall print, together with the copy sheet, to the

secretary, and not to disclose either directly or indirectly, the contents of the said confederation :

That no member furnish any person with his copy, or take any steps by which the said confederation may be re-printed, and that the secretary be under the like injunction.

TUESDAY, AUGUST 20, 1776

Congress resolved itself into a committee of the whole to take into their farther consideration the Articles of Confederation; and after some time, the president resumed the chair, and Mr. [John] Morton reported, that the committee having had under consideration the articles of Confederation, had gone through the same, [and] have agreed to sundry articles, which he was ordered to submit to Congress.

The report of the committee being read,

Articles¹ of Confederation and Perpetual Union, between the Colonies² of

*New-Hampshire,
Massachusetts-Bay,
Rhode-Island,
Connecticut,
New-York,
New-Jersey,
Pennsylvania,*

*The counties of New-Castle,
Kent and Sussex on Delaware,
Maryland,
Virginia,
North-Carolina,
South-Carolina, and
Georgia.*

FIRST PRINTED FORM

ART. I. THE Name of this Confederacy shall be "THE UNITED STATES OF AMERICA."

ART. II. The said Colonies unite themselves so as never to be divided by any Act whatever, and

SECOND PRINTED FORM

ART. I. THE name of this Confederacy shall be "THE UNITED STATES OF AMERICA."

ART. II. The said States hereby severally enter into a firm league of friendship with each other, for

¹ A copy of this second printed issue of the Articles of Confederation is in the *Papers of the Continental Congress*, No. 47, folio 29. In order to show more clearly the changes made in the text while under consideration, the first printed form (see note under July 12, *ante*,) is printed in parallel with the second reported this day.

A copy of the first issue is in Jefferson Papers, with manuscript changes in the writing of Thomas Jefferson. These changes, except in the cases mentioned in the notes, follow those that are made by Thomson during the consideration of the Articles before August 20, and are thus embodied in the second printed form.

Jefferson made some notes on the debates, which are printed at the end of this year's journals.

² This word was changed to "States" in the second printed form of the Articles.

hereby severally enter into a firm League of Friendship with each other, for their common Defence, the Security of their Liberties, and their mutual and general Welfare, binding the said Colonies to assist one another against all Force offered to or attacks made upon them or any of them, on Account of Religion, Sovereignty, Trade, or any other Pretence whatever.²

ART. III. Each Colony shall retain and enjoy as much of its present Laws, Rights and Customs, as it may think fit, and reserves to itself the sole and exclusive Regulation and Government of its internal police, in all matters that shall not interfere with the Articles of this Confederation.

ART. IV. No Colony or Colonies, without the Consent of the United States assembled, shall send any Embassy to or receive any Embassy from, or enter into any Treaty, Convention or Conference with the King or Kingdom of Great-Britain, or any foreign Prince or State; nor shall any Colony or Colonies, nor any Servant or Servants of the United States, or of any Colony or Colonies, accept of any Present, Emolument, Office, or Title of any Kind whatever, from the King or Kingdom of Great-Britain, or any foreign Prince or State; nor shall the United States assembled, or any Colony grant any Title of Nobility.

their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to or attacks made upon them or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.¹

ART. III. Each State reserves to itself the sole and exclusive regulation and government of its internal police, in all matters that shall not interfere with the articles of this Confederation.

ART. IV. No State, without the consent of the United States in Congress Assembled, shall send any Embassy to or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any King, Prince or State; nor shall any person holding any office of profit or trust under the United States or any [of] them, accept of any present, emolument, office, or title of any kind whatever, from any King, Prince or foreign State; nor shall the United States Assembled, or any of them, grant any title of nobility.

¹ The Jefferson copy here adds "by any power foreign to this confederacy."

² On the Dickinson manuscript Thomson has written "agreed" against this article.

ART. V. No two or more Colonies shall enter into any Treaty, Confederation or Alliance whatever between them, without the previous and free Consent and Allowance of the United States assembled, specifying accurately the Purposes for which the same is to be entered into, and how long it shall continue.¹

ART. VI. The Inhabitants of each Colony shall henceforth always have the same Rights, Liberties, Privileges, Immunities and Advantages, in the other Colonies, which the said Inhabitants now have, in all Cases whatever, except in those provided for by the next following Article.

ART. VII. The Inhabitants of each Colony shall enjoy all the Rights, Liberties, Privileges, Immunities, and Advantages, in Trade, Navigation, and Commerce, in any other Colony, and in going to and from the same from and to any Part of the World, which the Natives of such Colony enjoy.

ART. VIII. Each Colony may assess or lay such Imposts or Duties as it thinks proper, on Importations or Exportations, provided such Imposts or Duties do not interfere with any Stipulations in Treaties hereafter entered into by the United States assembled, with the King or Kingdom of Great-Britain, or any foreign Prince or State.

ART. V. No two or more States shall enter into any treaty, confederation or alliance whatever between them, without the Consent of the United States in Congress Assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

ART. VI. No State shall lay any imposts or duties which may interfere with any stipulations in treaties hereafter entered into by the United States Assembled with any King, Prince or State.

¹On the Dickinson manuscript Thomson has written "agreed" against this article.

ART. IX. No standing Army or Body of Forces shall be kept up by any Colony or Colonies in Times of Peace, except such a Number only as may be requisite to garrison the Forts necessary for the Defence of such Colony or Colonies: But every Colony shall always keep up a well regulated and disciplined Militia, sufficiently armed and accoutred; and shall provide and constantly have ready for Use in Public Stores, a due Number of Field Pieces and Tents, and a proper Quantity of Ammunition, and Camp Equipage.

ART. X. When Troops are raised in any of the Colonies for the common Defence, the Commission Officers proper for the Troops raised in each Colony, except the General Officers, shall be appointed by the Legislature of each Colony respectively, or in such manner as shall by them be directed.

ART. XI. All Charges of Wars and all other Expences that shall be incurred for the ^{postponed} common Defence, or general Welfare, and allowed by the United States as-

ART. VII. No vessels of war shall be kept up in time of peace by any State, except such number only as shall be deemed necessary by the United States Assembled for the defence of such state or its trade, nor shall any body of forces be kept up by any State in time of peace, except such number only as in the judgment of the United States in Congress Assembled shall be deemed requisite to garrison the forts necessary for the defence of such State, but every State shall always keep up a well regulated and disciplined Militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use in public stores a due number of field pieces and tents and a proper quantity of ammunition and a camp equipage.

ART. VIII. When land forces are raised by any State for the common defence, all officers of or under the rank of Colonel, shall be appointed by the legislatures of each State respectively, by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ART. IX. All charges of war and all other expences that shall be incurred for the common defence, or general welfare, and allowed by the United States Assembled, shall be defrayed out of

sembled, shall be defrayed out of a common Treasury, which shall be supplied by the several Colonies in Proportion to the Number of Inhabitants of every Age, Sex and Quality except Indians not paying Taxes, in each Colony, a true Account of which, distinguishing the white Inhabitants shall be triennially taken and transmitted to the Assembly of the United States. The Taxes for paying that Proportion shall be laid and levied by the Authority and Direction of the Legislatures of the several Colonies, within the Time agreed upon by the United States assembled.¹

ART. XII. Every Colony shall abide by the Determinations of the United States assembled, concerning the Services performed and Losses or Expences incurred by every Colony for the common Defence or general Welfare, and no Colony or Colonies shall in any Case whatever endeavor by Force to procure Redress of any Injury or Injustice supposed to be done by the United States to such Colony or Colonies in not granting such Satisfactions, Indemnifications, Compensations, Retributions, Exemptions, or Benefits of any Kind, as such Colony or Colonies may think just or reasonable.

a common treasury, which shall be supplied by the several States in proportion to the number of inhabitants of every age, sex and quality except Indians not paying taxes, in each State, a true account of which, distinguishing the white inhabitants shall be triennially taken and transmitted to the Assembly of the United States. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States, within the time agreed upon by the United States Assembled.

ART. X. Every State shall abide by the determinations of the United States in Congress Assembled, on all questions which by this Confederation are submitted to them.

¹On the Dickinson manuscript Thomson wrote first "Postponed" and then "agreed" against this article.

ART. XIII. No Colony or Colonies shall engage in any War without the previous Consent of the United States assembled, unless such Colony or Colonies be actually invaded by Enemies, or shall have received certain Advice of a Resolution being formed by some Nations of Indians to invade such Colony or Colonies, and the Danger is so imminent, as not to admit of a Delay, till the other Colonies can be consulted: Nor shall any Colony or Colonies grant Commissions to any Ships or Vessels of War, nor Letters of Marque or Reprisal, except it be after a Declaration of War by the United States assembled, and then only against the Kingdom or State and the Subjects thereof, against which War has been so declared, and under such Regulations as shall be established by the United States assembled.¹

ART. XIV. No Purchases of Lands, hereafter to be made of the Indians by Colonies
 postp^d or private Persons before the Limits of the Colonies are ascertained, to be valid: All Purchases of Lands not included within those Limits, where ascertained, to be made by Contracts between the United States assembled, or by Persons for that Purpose authorized by

ART. XI. No State shall engage in any war without the consent of the United States in Congress Assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent, as not to admit of a delay, till the other States can be consulted: Nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States Assembled, and then only against the Kingdom or State and the subjects thereof against which war has been so declared and under such regulations as shall be established by the United States Assembled.

¹ On the Dickinson manuscript Thomson has written "agreed" against this article.

them, and the great Councils of the Indians, for the general Benefit of all the United Colonies.¹

ART. XV. When the Boundaries of any Colony shall be ascertained by Agreement,
postp^d or in the Manner herein after directed, all the other Colonies shall guarantee to such Colony the full and peaceable Possession of, and the free and entire Jurisdiction in and over the Territory included within such Boundaries.²

ART. XVI. For the more convenient Management of the general Interests of the United States, Delegates should be annually appointed in such Manner as the Legislature of each Colony shall direct, to meet at the City of Philadelphia, in the Colony of Pennsylvania, until otherwise ordered by the United States assembled; which Meeting shall be on the first Monday of November in every Year, with a Power reserved to those who appointed the said Delegates, respectively to recal

ART. XII. For the more convenient management of the general interests of the United States, Delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet at the city of Philadelphia, in Pennsylvania, until otherwise ordered by the United States in Congress Assembled; which meeting shall be on the first Monday in November in every year, with a power reserved to each State to recall its Delegate or any of them at any time within

¹ On the Dickinson manuscript Thomson has written "postponed till the 18 article is considered" against this article.

On the Dickinson manuscript is a slip in the writing of Thomas Jefferson which reads:

"Amendment proposed.

ART. XIV. No purchases hereafter to be made by individual States or persons of lands on this continent not within the boundaries of any of these United states, shall be valid: but all purchases of such lands shall be made by contract between the United states assembled or persons authorized by them, and the great Councils of the Indians; and when purchased shall be given freely to those who may be permitted to seat them."

² On the Dickinson manuscript Thompson has written "postponed till the 18 article is considered," against this article.

them or any of them at any time within the Year, and to send new Delegates in their stead for the Remainder of the Year. Each Colony shall support its own Delegates in a Meeting of the States, and while they act as Members of the Council of State, herein after mentioned.

ART. XVII. In determining Questions each Colony shall have one Vote.¹

ART. XVIII. The United States assembled shall have the sole and exclusive Right and Power of determining on Peace and War, except in the Cases mentioned in the thirteenth Article—Of establishing Rules for deciding in all Cases, what Captures on Land or Water shall be legal—In what Manner Prizes taken by land or naval Forces in the Service of the United States shall be divided or appropriated—Granting Letters of Marque and Reprisal in Times of Peace—Appointing Courts for the Trial of all Crimes, Frauds and Piracies committed on the High Seas, or on any navigable River, not within the Body of a County or Parish—Establishing Courts for receiving and determining finally Appeals in all Cases of Captures—Sending and receiving ambassadors under any character—Entering into Treaties and Alliances—Settling all Dis-

the year, and to send others in their stead for the remainder of the year. Each State shall support its own Delegates in a meeting of the States, and while they act as members of the Council of State, herein after mentioned.

ART. XIII. In determining questions each State shall have one vote.

ART. XIV. The United States Assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the eleventh article—Of establishing rules for deciding in all cases, what captures on land or water shall be legal—In what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated—granting letters of marque and reprisal in times of peace—appointing Courts for the trial of piracies and felonies committed on the high seas—establishing Courts for receiving and determining finally appeals in all cases of captures—sending and receiving Ambassadors—entering into treaties and alliances—deciding all disputes and differences now subsisting, or that hereafter may arise between two or more States concerning boundaries, jurisdictions, or any other cause

¹ On the Dickinson manuscript Thompson wrote first "postponed" and then "agreed" against this article.

putes and Differences now subsisting, or that hereafter may arise between two or more Colonies concerning Boundaries, Jurisdictions, or any other Cause whatever—Coining Money and regulating the Value thereof—Regulating the Trade, and managing all Affairs with the Indians¹—Limiting the Bounds of those Colonies, which

by Charter or Proclamation, or under any Pretence, are said to

extend to the South Sea, and ascertaining those Bounds of any other Colony that appear to be indeterminate—Assigning Territories for new Colonies,

either in Lands to be thus separated from

Colonies and heretofore purchased or obtained by the Crown of Great-Britain from the Indians, or hereafter to be purchased or

obtained from them—Disposing of all such

Lands for the general Benefit of all the United Colonies—Ascertaining Boundaries to

such new Colonies, within which Forms of

Government are to be established on the Principles of Liberty—Establishing and regulating Post-Offices throughout all the United Colonies, on the Lines of Communication from one Colony to an-

whatever—coining money and regulating the value thereof—fixing the standard of weights and measures throughout the United States—regulating the trade, and managing all affairs with the Indians, not members of any of the States—Establishing and regulating Post-Offices from one State to another throughout all the United States, and exacting such postage on the papers passing through the same, as may be requisite to defray the expences of said office—appointing general Officers of the land forces in the service of the United States—commissioning such other officers of the said forces as shall be appointed by virtue of the eighth article—appointing all the officers of the naval forces in the service of the United States—making rules for the government and regulation of the said land and naval forces, and directing their operations.

¹ On the Dickinson manuscript Thompson has written “agreed” against the first part of this article, and “postponed” against the part from “Limiting” to “Principles of Liberty.”

other—Appointing General Officers of the Land Forces in the Service of the United States—Commissioning such other Officers of the said Forces as shall be appointed by Virtue of the tenth Article—Appointing all the Officers of the Naval Forces in the Service of the United States—Making Rules for the Government and Regulation of the said Land and Naval Forces—Appointing a Council of State, and such Committees and civil Officers as may be necessary for managing the general Affairs of the United States, under their Direction while assembled, and in their Recess, of the Council of State—Appointing one of their number to preside, and a suitable Person for Secretary—And adjourning to any Time within the Year.

The United States assembled shall have Authority for the Defence and Welfare of the United Colonies and every of them, to agree upon and fix the necessary Sums and Expences—To emit Bills, or to borrow Money on the Credit of the United Colonies—To raise Naval Forces—To agree upon the Number of Land Forces to be raised, and to make Requisitions from the Legislature of each Colony, or the Persons therein authorized by the Legislature to execute such Requisitions, for the Quota of each Colony, which is to be in Proportion to the Number

The United States in Congress Assembled shall have authority to appoint a Council of State, and such Committees and Civil Officers as may be necessary for managing the general affairs of the United States, under their direction while assembled, and in their recess under that of the Council of State—to appoint one of their number to preside, and a suitable person for Secretary—And to adjourn to any time within the year, and to any place within the United States—to agree upon and fix the necessary sums and expences—to borrow Money or emit bills on the

of white Inhabitants in that Colony, which Requisitions shall be binding, and thereupon the Legislature of each Colony or the Persons authorized as aforesaid, shall appoint the Regimental Officers, raise the Men, and arm and equip them in a soldier-like Manner; and the Officers and Men so armed and equipped, shall march to the Place appointed, and within the Time agreed on by the United States assembled.

But if the United States assembled shall on Consideration of Circumstances judge proper, that any Colony or Colonies should not raise Men, or should raise a smaller Number than the Quota or Quotas of such Colony or Colonies, and that any other Colony or Colonies should raise a greater number of men than the Quota or Quotas thereof, such extra-numbers shall be raised, officered, armed and equipped in the same Manner as the Quota or Quotas of such Colony or Colonies, unless the Legislature of such Colony or Colonies respectively, shall judge, that such extra-numbers cannot be safely spared out of the same, in which Case they shall raise, officer, arm and equip as many of such extra-numbers as they judge can be safely spared; and the Officers

credit of the United States—to build and equip a navy—to agree upon the number of land forces, and to make requisitions from each State, for its quota in proportion to the number of white inhabitants in such State, which requisitions shall be binding, and thereupon the legislature of each State shall appoint the regimental officers, raise the men, and arm and equip them in a soldier-like manner; and the officers and men so armed and equipped, shall march to the place appointed, and within the time agreed on by the United States Assembled.

But if the United States in Congress Assembled shall on consideration of circumstances judge proper, that any State or States should not raise men, or should raise a smaller number than the quota or quotas of such State or States, and that any other State or States should raise a greater number of men than the quota or quotas thereof, such extra-numbers shall be raised, officered, armed and equipped in the same Manner as the quota or quotas of such State or States, unless the the legislature of such State or States respectively, shall judge, that such extra-numbers cannot be safely spared out of the same, in which case they shall raise, officer, arm and equip as many of such extra-numbers as they judge can be safely spared; and the

and Men so armed and equipped shall march to the Place appointed, and within the Time agreed on by the United States assembled.

To establish the same Weights and Measures throughout the United Colonies.

But the United States assembled shall never impose or levy any Taxes or Duties, except in managing the Post-Office, nor interfere in the internal Police of any Colony, any further than such Police may be affected by the Articles of this Confederation. The United States assembled shall never engage the United Colonies in a War, nor grant Letters of Marque and Reprisal in Time of Peace, nor enter into Treaties or Alliances, nor coin Money nor regulate the Value thereof, nor agree upon nor fix the Sums and Expences necessary for the Defence and Welfare of the United Colonies, or any of them, nor emit Bills, nor borrow Money on the Credit of the United Colonies, nor raise Naval Forces, nor agree upon the Number of Land Forces to be raised, unless the Delegates of nine Colonies freely assent to the same: Nor shall a Question on any other Point, except for adjourning be determined, unless the Delegates of seven Colonies vote in the affirmative.

No Person shall be capable of being a Delegate for more than three Years in any Term of six Years.

officers and men so armed and equipped shall march to the place appointed, and within the time agreed on by the United States Assembled.

The United States in Congress Assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances except for peace, nor coin money nor regulate the value thereof, nor agree upon nor fix the sums and expences necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a Commander in Chief of the army or navy, unless nine States assent to the same: Nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of a majority of the United States.

No person shall be capable of being a Delegate for more than three years in any term of six years.

No Person holding any Office under the United States, for which he, or another for his Benefit, receives any Salary, Fees, or Emolument of any Kind, shall be capable of being a Delegate.

The Assembly of the United States to publish the Journal of their Proceedings monthly, except such Parts thereof relating to Treaties, Alliances, or military Operations, as in their Judgment require Secrecy—The Yeas and Nays of the Delegates of each Colony on any Question to be entered on the Journal, where it is desired by any Delegate; and the Delegates of a Colony, or any of them, at his or their Request, to be furnished with a Transcript of the said Journal, except such Parts as are above excepted, to lay before the Legislatures of the several Colonies.

ART. XIX. The Council of State shall consist of one Delegate from each Colony, to be named annually by the Delegates of each Colony, and where they cannot agree, by the United States assembled.

This Council shall have Power to receive and open all Letters directed to the United States, and to return proper Answers; but not to make any Engagements that shall be binding on the United States—To correspond with the Legislature of every Colony, and all Persons acting under the Authority of the United States, or of

No person holding any office under the United States, for which he, or another for his benefit, receives any salary, fees, or emolument of any kind, shall be capable of being a Delegate.

The Assembly of the United States to publish the Journal of their Proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy, the yeas and nays of the Delegates of each State on any question to be entered on the Journal, when it is desired by any Delegate; and the Delegates of a State, or any of them, at his or their request, to be furnished with a transcript of the said Journal, except such parts as are above excepted, to lay before the legislatures of the several States.

ART. XV. The Council of State shall consist of one Delegate from each State, to be named annually by the Delegates of each State, and where they cannot agree, by the United States assembled.

This Council shall have power to receive and open all Letters directed to the United States, and to return proper Answers; but not to make any engagements that shall be binding on the United States—To correspond with the legislature of every State, and all persons acting under the authority of the United States, or of the said

the said Legislatures—To apply to such Legislatures, or to the Officers in the several Colonies who are entrusted with the executive Powers of Government, for occasional Aid whenever and wherever necessary—To give Counsel to the Commanding Officers, and to direct military Operations by Sea and Land, not changing any Objects or Expeditions determined on by the United States assembled, unless an Alteration of Circumstances which shall come to the Knowledge of the Council after the Recess of the States, shall make such Change absolutely necessary—To attend to the Defence and Preservation of Forts and strong Posts, and to prevent the Enemy from acquiring new Holds—To procure Intelligence of the Condition and Designs of the Enemy—To expedite the Execution of such Measures as may be resolved on by the United States assembled, in Pursuance of the Powers hereby given to them—To draw upon the Treasurers for such Sums as may be appropriated by the United States assembled, and for the Payment of such Contracts as the said Council may make in Pursuance of the Powers hereby given to them—To superintend and controul or suspend all Officers civil and military, acting under the Authority of the United States—In Case of the Death or Removal of any Officer within the Appointment of the United States assem-

legislatures—To apply to such Legislatures, or to the Officers in the several States who are entrusted with the executive powers of government, for occasional aid whenever and wherever necessary—To give counsel to the Commanding Officers, and to direct military operations by sea and land, not changing any objects or expeditions determined on by the United States Assembled, unless an alteration of circumstances which shall come to the knowledge of the Council after the recess of the States, shall make such change absolutely necessary—To attend to the defence and preservation of forts and strong posts—To procure intelligence of the condition and designs of the enemy—To expedite the execution of such measures as may be resolved on by the United States Assembled, in pursuance of the powers hereby given to them—To draw upon the treasurers for such sums as may be appropriated by the United States Assembled, and for the payment of such contracts as the said Council may make in pursuance of the powers hereby given to them—To superintend and controul or suspend all Officers civil and military, acting under the authority of the United States—In case of the death or removal of any Officer within the appointment of the United States Assembled, to employ a person to fulfill the Duties

bled, to employ a Person to fulfill the Duties of such Office until the Assembly of the States meet—To publish and disperse authentic Accounts of military Operations—To summon an Assembly of the States at an earlier Day than that appointed for their next Meeting, if any great and unexpected Emergency should render it necessary for the Safety or Welfare of the United Colonies or any of them—To prepare Matters for the Consideration of the United States, and to lay before them at their next Meeting all Letters and Advices received by the Council, with a Report of their Proceedings—To appoint a proper Person for their Clerk, who shall take an Oath of Secrecy and Fidelity, before he enters on the Exercise of his Office—Seven Members shall have Power to act—In Case of the Death of any Member, the Council shall immediately apply to his surviving Colleagues to appoint some one of themselves to be a Member thereof till the Meeting of the States, and if only one survives, they shall give immediate Notice, that he may take his Seat as a Councilor till such Meeting.

ART. XX. Canada acceding to this Confederation, and entirely joining in the Measures of the United Colonies, shall be admitted into and entitled to all the Advan-

of such Office until the Assembly of the States meet—To publish and disperse authentic accounts of military operations—To summon an Assembly of the States at an earlier day than that appointed for their next meeting, if any great and unexpected emergency should render it necessary for the safety or welfare of the United States or any of them—To prepare matters for the consideration of the United States, and to lay before them at their next meeting all letters and advices received by the Council, with a report of their proceedings—To appoint a proper person for their Clerk, who shall take an oath of secrecy and fidelity, before he enters on the exercise of his office—seven Members shall have power to act—In case of the death of any Member, the Council shall immediately apply to his surviving colleagues to appoint some one of themselves to be a Member thereof till the meeting of the States, and if only one survives, they shall give immediate notice, that he may take his seat as a Councilor till such meeting.

ART. XVI. Canada acceding to this Confederation, and entirely joining in the measures of the United States,¹ shall be admitted into and entitled to all the advan-

¹ The Jefferson copy here inserts: "and all new colonies to be established by the United States assembled."

tages of this Union: But no other Colony shall be admitted into the same, unless such Admission be agreed to by the Delegates of nine Colonies.

These Articles shall be proposed to the Legislatures of all the United Colonies, to be by them considered, and if approved by them, they are advised to authorize their Delegates to ratify the same in the Assembly of the United States, which being done, the Articles of this Confederation shall inviolably be observed by every Colony, and the Union is to be perpetual: Nor shall any Alteration be at any Time hereafter made in these Articles or any of them, unless such Alteration be agreed to in an Assembly of the United States, and be afterwards confirmed by the Legislatures of every Colony.

tages of this Union: But no other Colony shall be admitted into the same, unless such admission be agreed to by nine States.

These Articles shall be proposed to the legislatures of all the United States, to be by them considered, and if approved by them, they are advised to authorize their Delegates to ratify the same in the Assembly of the United States, which being done, the Articles of this Confederation shall inviolably be observed by every State, and the Union is to be perpetual: Nor shall any alteration at any time hereafter be made in these Articles or any of them, unless such alteration be agreed to in an Assembly of the United States, and be afterwards confirmed by the Legislatures of every State.

Ordered, That eighty copies of the Articles of Confederation, as reported from the committee of the whole, be printed under the same injunctions as the former articles were printed, and delivered to the members under the like restrictions as formerly.

The committee appointed to prepare a device for a great seal for the United States, brought in the same, with an explanation thereof:

The great Seal sh'd on one side have the Arms of the United States of America, which Arms should be as follows: The Shield has six Quarters, parti one, coupé two. The 1st Or, a Rose enamelled gules and argent for England: the 2^d argent, a Thistle proper, for Scotland: the 3^d Verd, a Harp Or, for Ireland: the 4th Azure a Flower de Luce

Or for France: the 5th Or, the Imperial Eagle Sable for Germany: and the 6th Or, the Belgic Lion gules for Holland, pointing out the Countries from which these States have been peopled. The Shield within a Border Gules entoire of thirteen Scutcheons argent linked together by a chain Or, each charged with initial Letters Sable as follows: 1st N. H. 2^d M. B. 3^d R. I. 4th C. 5th N. Y. 6th N. J. 7th P. 8th D. C. 9. M. 10th V. 11th N. C. 12th S. C. 13 G. for each of the thirteen independent States of America.

Supporters, dexter the Goddess Liberty in a corselet of armour alluding to the present Times, holding in her right Hand the Spear and Cap, and with her left supporting the Shield of the States; sinister, the Goddess Justice bearing a Sword in her right hand, and in her left a Balance.

Crest. The Eye of Providence in a radiant Triangle whose Glory extends over the Shield and beyond the Figures.

Motto. E PLURIBUS UNUM.

Legend, round the whole Atchievement. Seal of the United States of America MDCCLXXVI.

On the other side of the said Great Seal should be the following Device. Pharoah sitting in an open Chariot, a Crown on his head and a Sword in his hand passing through the divided Waters of the Red Sea in pursuit of the Israelites: Rays from a Pillow of Fire in the Cloud, expressive of the divine Presence and Command, beaming on Moses who stands on the Shore, and extending his hand over the Sea causes it to overwhelm Pharoah.

Motto. Rebellion to Tyrants is Obedience to God.¹

¹A copy of this report, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 23, folio 143. The original idea was formed by Du Simi-tière, and his own account of it is in the *Jefferson Papers*, Fifth Series, VIII, No. 3. It differs from the report printed above in some particulars:

The Coat of Arms of the States of America.

The Shield has six quarters, parti one, coupé two; to the first it bears or, a rose enamelled Gules and argent, for England; to the Second, argent a thistle proper, for Scotland; to the third vert, a harp or, for Ireland; to the fourth azure, a flower de luce or, for France; to the fifth or the Imperial Eagle Sable, for Germany; and to the Sixth or, the belgic Lyon Gules, for Holland. (these being the Six principal nations of Europe from whom the Americans have originated.) this Shield within a border gules entoire of thirteen Escutcheons argent linked together by a chain or, each charg'd with initial letters Sable, as follows.

1st NH. 2^d MB. 3^d RI. 4th C. 5th NY. 6th NJ. 7th P. 8th DC. 9th M. 10th V. 11th NC. 12th SC. 13th G. for each of the thirteen Independent States of America.

Supporters. dexter, the Goddess Liberty, in a corslet of armour, (alluding to the

Ordered, To lie on the table.

present times) holding in her right hand the Spear and Cap, resting with her left on an anchor, emblem of Hope. Senester, an american soldier, compleatly accoutred in his hunting Shirt and trowsers, with his tomahawk, powder horn, pouch &c. holding with his left hand his rifle gun rested, and the Shield of the States with his right.

Crest. the Eye of Providence in a radiant Triangle whose Glory extend over the Shield and beyond the Supporters.

Motto. E Pluribus Unum.

Legend. round the whole atchievement. Seal of the [thirteen] united [and independent] States of America. MDCCLXXVI.

In the Jefferson Manuscripts in the Library of Congress are two notes of suggestion on this seal. One in the writing of Franklin, and the other in that of Jefferson. Franklin's note reads:

"Moses [in the Dress of High Priest] standing on the Shore, and extending his Hand over the Sea, thereby causing the same to overwhelm Pharoah who is sitting in an open Chariot, a Crown on his Head and a Sword in his Hand. Rays from a Pillar of Fire in the Clouds reaching to Moses, [expressing] to express that he acts by [the] Command of the Deity.

"Motto, Rebellion to Tyrants is Obedience to God."

The note of Jefferson reads:

"Pharoah sitting in an open chariot, a crown on his head and a sword in his hand passing thro' the divided waters of the Red sea in pursuit of the Israelites: rays from a pillar of fire in the cloud, expressive of the divine presence, [reach] and command, reaching to Moses who stands on the shore and, extending his hand over the sea, causes it to over whelm Pharoah.

"Motto. Rebellion to tyrants is obed^{ce} to god."

Words in brackets were stricken out by the pen.

Jefferson merely noted a version of the Franklin suggestion. In the *Writings of Jefferson* (Ford), I, 420 is what purports to be a scheme of arms made in 1774, but the date assigned to it is doubtful. In a letter from John Adams to his wife, written August 14, 1776, he said:

"Doctor F. proposes a device for a seal. Moses lifting up his wand, and dividing the red sea, and Pharoah in his chariot over whelmed with the waters. This motto. 'Rebellion to tyrants is obedience to God.'

"Mr. Jefferson proposed, The children of Israel in the wilderness, led by a cloud by day, and a pillar of fire by night—and on the other side, Hengist and Horsa, the Saxon chiefs, from whom we claim the honor of being descended, and whose political principles and form of government we have assumed.

"I proposed, The choice of Hercules, as engraved by Gribelin, in some editions of Lord Shaftesbury's works. The hero resting on his club. Virtue pointing to her rugged mountain on one hand, and persuading him to ascend. Sloth, glancing at her flowery paths of pleasure, wantonly reclining on the ground, displaying the charms both of her eloquence and person, to seduce him into vice. But this is too complicated a group for a seal or medal, and it is not original."

REPORT UPON COINS

REPORT UPON COINS

MONDAY, SEPTEMBER 2, 1776

The committee to whom was recommitted the report of the committee appointed to ascertain the value of the several species of gold and silver [coins] current in these states, and the proportion they and each of them bear and ought to bear to Spanish milled dollars, brought in their report, which was read :

The Committee, to whom was recommitted a report from a Committee appointed to ascertain the value of the several species of gold and silver current in these states, and the proportion they and each of them bear and ought to bear to Spanish milled dollars, have taken the same into consideration and thereupon come to the following resolutions:

Whereas, the holders of bills of credit emitted by authority of Congress will be entitled at certain periods, appointed for redemption thereof to receive out of the Treasury of the United States the amount of the said bills in Spanish milled dollars, or the value thereof in gold and silver; and the value of such dollars is different in proportion as they are more or less worn, and the value of other silver, and of gold coins, and also of bullion, when compared with such dollars, is estimated by different rules and proportions in these states, whereby injustice may happen to individuals, to particular states, or to the whole Union as well in payments into, as out of the Treasury, which

ought to be prevented by declaring the precise weight and fineness of the s'd Spanish milled dollar ~~which is to be considered as the American~~ now becoming the Money-Unit or common measure of other coins in these states, and by explaining the principles and establishing the rules by which ~~other coins and bullion~~ the said common measure shall be applied to other coins and to bullion in order to estimate their comparative value ~~be thence known and estimated at the s'd Treasury.~~

Resolved, that it is the opinion of this Committee that all payments made into or out of the said Treasury ought in good faith to be ~~measured~~ estimated by the Spanish milled dollar, otherwise called the Pillar piece of eight, as it comes from the mint, new and unworn; ~~and that in such~~ which state it's absolute weight is 17 dwt. 9 grs. Troy weight, ~~which is made up of six~~ containing sixteen pennyweight, one grain, fourteen and an half mites of fine silver, and one pennyweight, seven grains, five and an half mites of fine copper alloy; ~~and that according to the usual course of merchandize neither the said alloy nor the charges of coinage are estimated in the value of coin or bullion and that the value of all coins and of bullion as estimated in commerce is in proportion to the quantity of fine metal they contain, without regard to workmanship, or the alloy mixed therewith. but that according to the course of merchandize neither the said alloy nor the expences of coinage should be considered as any addition to the value of the said coin.~~

Resolved, that it is the opinion of this Committee that all ~~gold~~ silver coins or bullion paid into or out of the sd treasury ought to be estimated in such payment according to the quantity of fine silver they contain.

Resolved, that it is the opinion of this Committee that all gold coins or bullion paid into or out of the said treasury ought to be estimated in such payment according to the quantity of fine gold they contain and the proportional value, which the value of fine gold bears to that of fine silver in those foreign markets at which these states will probably carry on commerce; but as the said proportion is different at ~~different~~ those markets, it is further the opinion of this committee that the several proportions at the said markets ~~before mentioned~~ should be averaged and such averaged proportion be observed at the said treasury.

Resolved, that it is the opinion of this Committee, after due enquiry made, that the several proportions between the value of equal weights of fine silver and ~~of an equal quantity weight~~ of fine gold, at the said

markets before mentioned, is at present, when averaged nearly as one to fourteen and ~~three-fourths~~ one half, and that this proportion should be observed at the sd treasury. but as in long tracts of time the proportional values of gold and silver at market are liable to vary, whenever such variation shall have become sensible, this house ought to make a corresponding charge in the rates at their treasury.

Resolved, that it is the opinion of this committee, after due enquiry made into the fineness of the coins ~~below~~ hereafter mentioned, that taking into consideration the quantity of fine metal gold or silver they contain, and the proportional value before mentioned between equal weights of gold fine gold and fine silver, their values expressed in ~~Dollars, or Units and Decimals~~, by decimal notation in Dollars and parts of a dollar are as follows:

	Proportion of fine metal.	Weight.	Fine metal.	Value in Dollars.	Weight equivalent to dollar.	Value of a dwt. in dollars.
SILVER COINS						
	oz. dwt.	dwt. grs.	dwt. grs.		dwt. grs.	
The Pillar piece of eight, or Spanish milled dollar.	a 11 2	17 9	16 1.725	1	17 9	0.057553
The old Ecu of France, of 60 sols Tournois, or French crown	a 11 1	17 12	16 2.75	1.002657	17 18.886	.057294
The English Crown	a 11 2	19 8.5	17 21.675	1.113941	17 9	.057553
The English shilling	a 11 2	3 20.9	3 13.935	.222788	17 9	.057553
The English sixpence	a 11 2	1 22.45	1 18.967	.111394	17 9	.057553
GOLD COINS						
	Carats. grs.					
The old Spanish Double Doubloon...	21 23½	17 8	15 20.972	14.321335	1 5.047	.826230
The old Spanish Pistole	21 23½	4 8	3 23.243	3.580333	1 5.047	.826230
[The Johannes of Portugal. The half Johannes.]						
The Double Moeda of Portugal	21 23½	6 22	6 7.95	5.712035	1 5.061	.825836
The Moeda of Portugal	21 23½	3 11	3 8.475	2.856017	1 5.061	.825836
The old Louis d'or of France	21 23½	4 8	3 23.243	3.580333	1 5.047	.826230
The new Louis d'or of France	21 23½	5 5.4	4 18.623	4.308871	1 5.102	.824664
The English Guinea of William III..	22 0	5 9.488	4 22.651	4.460301	1 5.020	.827014
The English half Guinea of Wil- liam III.	22 0	2 16.719	2 11.328	2.230150	1 5.020	.827014
The Hungary Ducat	23 2	2 5.666	2 3.616	1.940335	1 3.658	.867736
The Ducat of Holland, coined ad legem imperii.						
of Campen in Holland ..	23 2	2 5.5	2 3.456	1.934329	1 3.658	.867736
of the bishop of Bamberg of Brandenburg						
of Sweden						
of Denmark						
of Poland	23 2	2 5	2 2.975	1.916251	1 3.658	.867736
of Transylvania	23 ½	2 4.75	2 2.689	1.905493	1 3.683	.866954
of the Duke of Hanover ..	23 2	2 5.25	2 2.216	1.925288	1 3.658	.867736
The Double Ducat of the Duke of Hanover	23 2	4 10.5	4 6.432	3.850581	1 3.658	.867736
Chequins of Venice	23 ¾	2 5.75	2 3.837	1.948631	1 3.583	.870086

^a In the pound weight.

^b These words are struck out.

and that the said coins when of the absolute weight there stated should be paid and received at the said treasury for so many Dollars and parts of a dollar as is there expressed, and when of a greater or lesser

weight should be paid and received for a proportionably greater or lesser number of dollars and parts of a dollar.

Resolved, that all ~~other~~ silver coins not specially named in the said table, and all silver bullion, ~~should be paid and received at the said Treasury~~ paid or received at the said treasury, be estimated ~~in receipt and payment at the said treasury~~ in dollars and parts of a dollar in proportion to the fine silver they respectively contain; and all gold coin ~~and bull~~, not specially named, and gold bullion, be estimated in dollars and parts of a dollar in the compound ratios of the quantity of fine gold they contain, and of the afore mentioned proportion between the value of equal weights of fine gold and fine silver and that no ~~value~~ ~~be put~~ allowance be made in either case for the value of the alloy nor for the charges of coinage or workmanship.

Resolved, that assays should be made as soon as conveniently may be of the fineness of such other coins not stated in the ~~aforesaid~~ said table as are in circulation within these states, and that they should be inserted in the said table, together with their values in Dollars and parts of a dollar, in order to render the same more full and adequate to the purposes of public convenience.

And whereas, the credit of the said bills as current money ought to be supported at the full value therein expressed by the inhabitants of these states, for whose benefit they are issued, ~~at the full value therein expressed~~, and who stand bound to redeem the same according to the like value, and the pernicious artifices of the enemies of American liberty to impair the credit of the said bills by raising the nominal value of gold and silver ought to be guarded against and prevented.

Resolved, that all bills of credit emitted by authority of Congress ought to pass current in all payments, trade, and dealings in the states, and be deemed equal in value to gold and silver, according to the preceding rates and resolutions; and that whosoever shall offer, demand or receive more in the said bills for any gold or silver coins or bullion than is before rated, or more of the said bills for any lands, houses, goods, wares or merchandize than the nominal sum at which the same might be purchased of the same person with gold or silver, every such person ought to be deemed an enemy to the liberties of these ~~colonies~~ states, and treated accordingly, ~~being on conviction before such persons or~~ judicature as have been or shall be authorised ~~by the Assemblies to hear and determine the said off~~ such offences by the Convention or assembly of the state wherein the offence shall be committed; but where no such judicature is as yet established, ~~such conviction the said~~

Conviction may be had before the committee of inspection of the city, county, or district where the said offence shall be committed, with liberty of appeal to the Assembly or Convention of such state, until by the sd Assembly or Convention shall establish such judicature.

Ordered, To lie on the table.¹

¹This report, in the writing of Thomas Jefferson, was recently found in the Jefferson Manuscripts, in the Library of Congress. With it are some memoranda and calculations, evidently used in preparing the report, but they are not printed in this place.

PLAN OF TREATIES AND INSTRUCTIONS
TO COMMISSIONERS

PLAN OF TREATIES

THURSDAY, JULY 18, 1776

The committee appointed to prepare a plan of treaties to be entered into with foreign states or kingdoms, brought in a report, which was read :

PLAN OF TREATIES.¹

There² shall be a firm, inviolable, and universal Peace, and a true and sincere Friendship between the most serene and mighty Prince, Lewis the Sixteenth, the most Christian King, his Heirs and Successors, and the united States of America; and the Subjects of the most Christian King, and of the said States; and between the Countries, Islands, Cities, and Towns situate under the Jurisdiction of the most Christian King and of the said united States, ~~and every of them~~, and the People and Inhabitants thereof of every degree; with out Except-

¹The original draft of this report, with the forms and certificates appended, all in the writing of John Adams, is in the *Papers of the Continental Congress*, No. 47, folios 129-149. The report was sent to the printer and two copies of the printed form are in the same volume, folios 151 and 161. One was used during the discussion for noting the action taken, and the other contains manuscript notes by James Wilson. Wilson probably used his copy in preparing the Instructions, printed under September 24. The printed report was substantially the document prepared by Adams, save that the King or the United States are never mentioned by name. Thus the first article reads in print: "There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between A. and B. and the subjects of A. and of B. and between the countries, islands, cities and towns situate under the jurisdiction of A. and of B. and the people and inhabitants thereof of every degree, without exception of persons or places; and the Terms herein after mentioned shall be perpetual between A. and B." The first of the printed reports is designated as No. 1. in these notes and what is taken from the second will be noted as "James Wilson." No. 1. carries an endorsement: "Plan of treaties, gone through in com^{ee} of the whole Aug. 27, 1776, and recommitted, that instructions may be drawn conformable thereto. August 29, 1776. The Com^{ee} farther empowered to prepare such instructions as to them shall seem proper and to make report thereof to Congress. The final form of the Plan is printed under September 17, *post*."

²In the margin is written: "Coll. of State Tracts, 109. Coll. of Sea Laws, 541."

tion of Persons or Places; and the Terms herein after mentioned shall be perpetual between the most Christian King, his Heirs and Successors, and the said united States.

ART. 1. The Subjects of the most Christian King shall pay no other Duties or Imposts in the Ports, Havens, Roads, Countries, Islands, Cities, or Towns of the said united States, or any of them, than the Natives thereof, or any Commercial Companies established by them or any of them, shall pay, but shall enjoy all other the Rights, Liberties, Privileges, Immunities, and Exemptions in Trade, Navigation and Commerce in passing from one Part thereof to another, and in going to and from the same, from and to any Part of the World, which the said Natives, or Companies enjoy.¹

ART. 2d. The Subjects, People and Inhabitants of the said united States and every of them shall pay no other Duties, or Imposts in the Ports, Havens, Roads, Countries, Islands, Cities or Towns of the most Christian King, than the Natives of such Countries, Islands, Cities, or Towns of France, or any commercial Companies established by the most Christian King shall pay, but shall enjoy all other the Rights, Liberties, Privileges, Immunities and Exemptions in Trade, Navigation and Commerce, in passing from one Part thereof to another, and in going to and from the same, from and to any Part of the World, which the said Natives, or Companies enjoy.²

ART. 3. The most Christian King shall endeavour, by all the Means in his Power to protect and defend all Vessells, and the Effects belonging to the Subjects, People or Inhabitants of the said united States, or any of them, being in his Ports, Havens, or Roads, or on the Seas, near to his Countries, Islands, Cities, or Towns, and to recover and restore, to the right owners, their Agents or Attornies, all such Vessells, and Effects, which shall be taken, within his Jurisdiction; and his Ships of War, or any Convoys sailing under his Authority, shall upon all occasions, take under their Protection all Vessells belonging to the Subjects, People or Inhabitants of the said united States, or any of them, and holding the same Course, or going the same Way, and shall defend such

¹ "The 22d Article comes in here." *James Wilson.*

² "The additional Resolution to follow this Article" is on margin of No. 1 of the printed reports.

³ In the margin is written: "Q. Should there not be an exception of Asia, and perhaps of Africa."

⁴ "A Resolution to be subjoined to this Article," is on margin of No. 1.

Vessells as long as they hold the same Course, or go the same Way against all Attacks, Force, and Violence, in the same manner, as they ought to protect and defend Vessells belonging to the Subjects of the most Christian King.

ART. 4. In like manner the said united States, and their Ships of War and Convoys sailing under their Authority shall protect and defend all Vessells and Effects belonging to the Subjects of the most Christian King, and endeavour to recover and restore them, if taken within the Jurisdiction of the said united States, or any of them.

Pass'd

ART. 5. The most Christian King and the said united States shall not receive, nor suffer to be received into any of their Ports, Havens, Roads, Countries, Islands, Cities or Towns, any Pirates, or Sea Robbers, or afford, or suffer any Entertainment, Assistance, or Provision to be afforded to them, but shall endeavour by all Means, that all Pyrates, and Sea Robbers, and their Partners, Sharers, and Abettors be found out, apprehended, and suffer condign Punishment; and all the Vessells and Effects piratically taken, and brought into the Ports or Havens of the most Christian King, or the said united States, which can be found, altho they be Sold, shall be restored, or Satisfaction given therefor to the right owners, their Agents or Attornies demanding the same, and making the right of Property to appear by due Proof.¹

Pass'd

ART. 6. The most Christian King shall protect, defend and secure, as far as in his Power, the Subjects, People and Inhabitants of the said united States and every of them, and their Vessells and Effects of every Kind, against all Attacks, Assaults, Violences, Injuries, Depredations or Plunderings by or from the King or Emperor of Morocco, or Fez, and the States of Algiers, Tunis and Tripoli, and any of them, and every other Prince, State and Power, on the Coast of Barbary in Africa and the Subjects of the said Kings, Emperors,² or States, and Powers, and of every of them, in the same manner, and as effectually and fully, and as much to the Benefit Advantage Ease and Safety of the said united States and every of them, and of the Subjects, People, and Inhabitants thereof, to all Intents and Purposes, as the King and Kingdom

Pass'd

¹ In the margin is written: "See all the Articles in Sea Laws from pa. 544 to 549. Art. 19, and 24 in pa. 542. Art. 10, in pa. 520. Art. 5, in p. 519, if proper."

² "With additional R" is on margin of No. 1.

³ The printed report ends with this word of the text, adding "&c. in as full a manner, &c."

of Great Britain, before the Commencement of the present War, protected, defended, and secured the People and Inhabitants of the said united States, then called the British Colonies, in North America, their Vessells and Effects, against all such Attacks, Assaults, Violences, Injuries, Depredations and Plunderings.¹

~~ART. 7. If the most Christian King shall in Consequence of this Treaty, engage in a War with the King of Great Britain, the said united States, shall not assist the latter.~~

ART. 7. If, in Consequence of this Treaty, the King of Great Britain, should declare War, against the most Christian King, the said united States shall not assist Great Britain, in such

P. P. ² War, with Men, Money, Ships, or any of the Articles in this treaty denominated Contraband Goods ~~or in any other Way. And if France to favour the said united States shall join with them in their present War against Great Britain, they shall not make a separate Peace.~~³

ART. 8. In Case of any War between the most Christian King and the King of Great Britain, the most Christian King, shall never invade, nor under any pretence⁴ attempt ~~to invade or get Possession for~~, to possess himself of Labrador, New Britain, Nova Scotia, Accadia, Canada, Florida, nor any of the Countries, Cities, or Towns, on the Continent of North America, nor of the Islands of Newfoundland, Cape Breton, St. John's, Anticosti⁵, nor of any other Island lying near to the said Continent, in the Seas, or in any Gulph, Bay, or River, it being the true Intent and meaning of this Treaty, that the said united States, shall have the sole, exclusive, undivided and perpetual Possession of all the Countries, Cities, and Towns, on the said Continent, and of all

¹ "If France should undertake an Expedition to recover what she lost in the West Indies during the last War with G. Britain, we will in that Expedition supply France with Provisions and refuse to supply any to G. Britain.

"Qu. Whether it would not be proper if it should be insisted upon, to accede to an exclusive Contract during a Term of — for Masts and naval Stores, as far as we can spare them?

"Qu. Whether it will not be proper to engage that the United States will not stipulate in Favour of G. Britain upon a Peace with her, Terms of Commerce more advantageous than they will stipulate in Favour of France." *James Wilson.*

² Postponed "for consideration" on margin of No. 1, and the last sentence of the article has been enclosed in ink lines.

³ Although this sentence is stricken out in the Adams manuscript, it appears in the printed report.

⁴ These three words were inserted by Charles Thomson. They are noted in the margin of No. 1 in his writing.

⁵ Wilson adds: "Bermudas nor Bahama Islands."

Islands near to it, which now are, or lately were under the Jurisdiction of or Subject to the King or Crown of Great Britain, whenever ~~the same can be invaded, and conquered by the said united States, or shall in any manner submit to or be~~ shall be united or confederated with the said united States.¹

ART. 9. Nor shall the most Christian King, at any Time, make any Claim, or Demand's to the said Countries, Islands, Cities, and Towns mentioned in the next preceding Article, or any of them, or to any Part thereof, for, or on Account of any Assistance afforded to the said united States, in attacking or conquering the same, or in obtaining such a Submission, or Confederation as has been mentioned in the said Preceding Articles, nor on any other Account whatever.²

ART. 10. If in any War, the most Christian King, shall conquer, or get Possession of the Islands in the West Indies, now under the Jurisdiction of the King or Crown of Great Britain, or any of them, or any Dominions of the said King or Crown in Europe, any other Parts of the World, the Subjects, People and Inhabitants of the said united States, and every of them shall enjoy the same Rights, Liberties, Priviledges, Immunities and Exemptions in Trade, Commerce and Navigation to and from the said Islands, and Dominions, that are mentioned in the Second Article of this Treaty.

ART. 11. It is the true Intent and Meaning of this Treaty, that no higher or other Duties shall be imposed on the Exportation of any Thing of the Growth, Production, or Manufacture of the Islands in the West Indies now belonging or which may hereafter belong to the most Christian King, to the said united States, or any of them, than the lowest that are or shall be imposed on the Exportation thereof to France or to any other Part of the World.³

ART. 12. It is agreed, by and between the said Parties that no Duties whatever ~~more than~~ *per Gallon* shall ever here after be imposed on the Exportation of Mollasses, from any of the Islands and Dominions of the most Christian King in the West Indies to any of these united States.

¹In No. 1 is inserted at this point, in the writing of Charles Thomson, the paragraph on fisheries that appears as Art. III in the final form, but it reads: "That A. be permitted to retain &c."

²Against this paragraph is written "rejected." It appears in the printed form, but is stricken out with the pen in both No. 1 and the Wilson copy.

³"Not to be insisted on if it will imperil the Treaty." *James Wilson.*

ART. 13. The Subjects, People, and Inhabitants of the said united States, or any of them, being Merchants and residing in France, and their Property, and Effects of every Kind, shall be exempt from the *Droit de Aubeine*.¹

Agreed

ART. 14. The Merchant Ship of either of the Parties, which shall be making into a Port belonging to the Enemy of the other Ally, and concerning whose Voyage, and the Species of Goods on board her, there shall be just Grounds of Suspicion, shall be obliged to exhibit, as well upon the high Seas as in the Ports and Havens, not only her Passports, but like wise Certificates, expressly shewing that her Goods are not of the Number of those which have been prohibited, as Contraband.²

Agreed

ART. 15. ~~That~~ if by the exhibiting of the abovesaid Certificates, the other Party discover there are any of those Sorts of Goods, which are prohibited and declared Contraband, and consigned for a Port under the obedience of his Enemies, it shall not be lawful to break up the Hatches of such Ship, or to open any Chest, Coffers, Packs, Casks, or any other Vessells found therein or to remove the smallest Parcells of her Goods, whether such Ship belong to the Subjects of France, or the Inhabitants of the said united States, unless the lading be brought on Shore in the Presence of the officers of the Court of Admiralty, and an Inventory thereof made; but there shall be no allowance to sell, exchange, or alienate the same in any manner, untill after that due and lawfull Process shall have been had against such prohibited Goods, and the Court of Admiralty shall, by a Sentence pronounced, have confiscated the same, saving always as well the Ship itself, as any other Goods found therein, which by this Treaty, are to be esteemed free; neither may they be detained on Pretence of their being as it were infected by the prohibited Goods, much less shall they be confiscated as lawfull Prize: But if not the whole Cargo, but only Part thereof shall consist of prohibited or contraband Goods, and the Commander of the Ship shall be ready and willing to deliver them to the Captor who had discovered them, in such Case the Captor having received those Goods, shall forthwith discharge

Agreed

¹ As illustrating the caution used in the printed report this paragraph is printed as follows: "The subjects or people of B. being merchants and residing in and their property and effects shall be exempt from ."

"Press this hard; but destroy not the Treaty for it." *James Wilson*.

² "Ships carry'd into Port in Consequence of this Article on supposed [just] Grounds of Suspicion but proving innocent, shall be entitled to Satisfaction for the Expences and Damages by Delay, &c." *James Wilson*.

the Ship, and not hinder her by any Means freely to prosecute the Voyage on which she was bound.¹

ART. 16. On the Contrary, it is agreed, that whatever shall be found to be laden² by the Subjects and Inhabitants of either Party, on any Ship belonging to the Enemy of the other, or to his Subjects, the whole, although it be not of the Sort of prohibited Goods, may be confiscated in the same Manner as if it belonged to the Enemy himself, except such Goods and Merchandises as were put on board such Ship before the Declaration of War, or even after such Declaration, if so be it were done without Knowledge of such Declaration. So that the Goods of the Subjects and People of either Party, whether they be of the Nature of such as are prohibited, or otherwise which, as, is aforesaid, were put on board any Ship belonging to an Enemy before the War, or after the Declaration of the Same, ~~within the Time and~~ without Knowledge of it, shall noways be liable to Confiscation, but shall well and truly be restored without delay to the Proprietors demanding the same—but so as that if the said Merchandises be contraband, it shall not be any Ways lawfull to carry them after wards to any Ports belonging to the Enemy.

ART. 17. And that more effectual Care may be taken, for the Security of the Subjects, and Inhabitants of both Parties, that they suffer no Injury by the Men of War or Privateers of the other Party, all the Commanders of the Ships of the most Christian King, and of the said united States and all their Subjects and Inhabitants, shall be forbid, doing any Injury, or Damage to the other Side; and if they act to the contrary, they shall be punished, and shall more over be bound to make Satisfaction for all matter of Damage, and the Interest thereof, by Reparation, under the Pain and Obligation of their Person and Goods.

ART. 18. All Ships, and Merchandises, of what Nature so ever, which shall be rescued out of the Hands of any Pirates, or Robbers on the high Seas, shall be brought into some Port of either State, and shall be delivered to the Custody of the officers of that Port, in order to be restored entire to the true Proprietor, as soon, as due and sufficient Proof shall be made, concerning the Property, thereof.

¹ "Enemies Goods on Board the Ships of either party liable to Capture." *James Wilson*.

² This word was printed "taken" in No. 1.

ART. 19. It shall be lawfull for the Ships of War of either Party and Privateers, freely to carry whither so ever they please, the Ships and Goods, taken from their Enemies, without being obliged to pay any Duty to the Officers of the Admiralty or any other Judges; nor shall such Prizes be arrested, or seized, when they come to, and enter the Ports of either Party; nor shall the Searchers, or other Officers of those Places search the same, or make Examination concerning the Lawfullness of such Prizes, but they may hoist Sail, at any Time and depart and carry their Prizes to the Place expressed in their Commissions, which the Commanders of such Ships of War shall be obliged to shew: on the Contrary, no Shelter, or Refuge shall be given in their Ports to such as shall have made Prize of the Subjects, People, or Property, of either of the Parties; but if such should come in, being forced by Stress of Weather, or the Danger of the Sea, all proper Means shall be vigorously used, that they go out, and retire from thence as soon as possible.

Agreed

ART. 20. If any Ships belonging to either of the Parties, their People, or Subjects shall, within the Coasts or Dominions of the other, stick upon the sands or be wrecked, or suffer any other Damage, all friendly assistance and Relief shall be given to the Persons Ship wrecked, or such as shall be in danger thereof; and Letters of Safe Conduct shall likewise be given to them for their free and quiet Passage from thence, and the Return of every one to his own Country.

Agreed

ART. 21. That in Case the Subjects and Inhabitants of Either Party, with their Shipping, whether public, and of War, or private and of Merchants be forced through Stress of Weather, Pursuit of Pirates or Enemies or any other urgent Necessity, for Seeking of Shelter and Harbour to retreat, and enter into any of the Rivers, Creeks, Bays, Havens, Roads, Ports, or Shores, belonging to the other Party; they shall be received and treated with all Humanity, and Kindness, and enjoy all friendly Protection and Help; and they shall be permitted to refresh and provide themselves, at reasonable Rates, with Victuals and all Things needfull for the Sustenance of their Persons, or Reparation of their Ships, and Conveniency of their Voyage; and they shall no Ways be detained or hindered from returning out of the said Ports or Roads, but may remove and depart when and whither they please, without any Lett or Hindrance;

Agreed

ART. 22. The Subjects, Inhabitants, Merchants, Commanders of Ships, Masters and Mariners of the States, Provinces, and Dominions of each Party respectively, shall abstain and forbear to

Agreed¹

~~trade and~~ fish in all Places possessed, or which shall be possessed by the other Party. The most Christian Kings Subjects shall not fish in the Havens, Bays, Creeks, Roads, Coasts, or Places, which, the said united States hold or shall hereafter hold: and in like manner, the Subjects, People, and Inhabitants of the said united States, shall not fish in the Havens, Bays, Creeks, Roads, Coasts, or Places, which the said most Christian King possesses, or shall hereafter possess; and if any Ship or Vessell shall be found ~~trading~~ fishing, contrary to the Tenor of this Treaty, the said Ship or Vessell, with its Lading, Proof being made thereof, shall be confiscated;—

ART. 23. For the better promoting of Commerce on both Sides, it is agreed, that if a War should break out between the Said two Nations,

Agreed

Six Months, after the Proclamation of War, shall be allowed to the Merchants, in the Cities and Towns where they live, for selling and transporting their Goods and Merchandizes; and if any Thing be taken from them, or any Injury be done them within that Term by either Party, or the People or Subjects of either, full Satisfaction shall be made for the Same.

ART. 24. No Subjects of the most Christian King, shall apply for, or take any Commission or Letters of Marque for arming any Ship or Ships to act as Privateers, against the said united States

Agreed

or any of them, or against the Subjects, People, or Inhabitants of the said united States or any of them, or against the Property of any of the Inhabitants of any of them, from any Prince, or State with which the said united States shall be at War:²

Nor shall any Citizen, Subject, or Inhabitant, of the said united States or any of them, apply for, or take any Commission or Letters of Marque for arming any Ship or Ships to act as Privateers, against the Subjects of the most Christian King or any of them, or the Property of any of them, from any Prince or State, with which the said King shall be at War: And if any Person of either Nation shall take such Commissions or Letters of Marque, he shall be punished as a Pirate.

¹ In margin of No. 1 is written, in the writing of Charles Thomson: "to be transposed and placed so as immediately to follow the 8th."

² In the margin is written: "comp. Coll. Treaties pa. 20."

ART. 25. It shall not be lawfull for any foreign Privateers not ~~being~~ belonging [to] Subjects of the said most Christian King, nor Citizens of the said united States, who have Commissions from any other Prince or State, in Enmity with either Nation, to fit their Ships in the Ports of either the one or the other of the aforesaid Parties, to Sell what they have taken, or in any other manner whatsoever to exchange either Ships, Merchandizes, or any other Lading: neither shall they be allowed even to purchase Victuals, except such as shall be necessary for their going to the next Port of that Prince or State from which they have Commissions.¹

Agreed

ART. 26. It shall be lawfull for all and Singular the Subjects of the said most Christian King, and the Citizens, People, and Inhabitants of the said united States, to Sail with their Ships, with all manner of Liberty and Security; no distinction being made, who are the Proprietors of the Merchandizes laden there on from any Port, to the Places of those who now are, or hereafter shall be at Enmity with the most Christian King, or the united States. It shall likewise be lawfull for the Subjects and Inhabitants aforesaid, to sail with the Ships and Merchandizes aforementioned; and to trade with the same Liberty, and Security, from the Places, Ports, and Havens of those who are Enemies of both or either Party, without any opposition or Disturbance whatsoever, not only directly from the Places of the Enemy aforementioned to neutral Places; but also from one Place belonging to an Enemy, to another Place belonging to an Enemy, whether they be under the Jurisdiction of the same Prince or under Several: And it is hereby Stipulated that free Ships shall also give a Freedom to Goods, and that every Thing shall be deemed to be free and exempt, which shall be found on board the Ships, belonging to the Subjects of either of the Confederates; although the whole Lading or any Part thereof, should appertain to the Enemies of Either, Contraband Goods being always excepted. It is also agreed in like manner, that the same Liberty, be extended to Persons, who are on board a free Ship with this Effect, that although they be Enemies to both or either Party, they are not to be taken out of that free Ship, unless they are Soldiers, and in actual Service of the Enemies.²

Agreed

¹ In the margin is written "pa. 4." "This not to be insisted upon." *James Wilson.*

² "This to be obtained if possible; but not to be insisted on so as to break off the Treaty." *James Wilson.*

ART. 27. This Liberty of Navigation and Commerce shall extend to all Kinds of Merchandizes, excepting those only which are distinguished by the Name of Contraband: and under this

Agreed

Name of Contraband, or prohibited Goods, shall be comprehended Arms, Great Guns, Bombs with their Fuzees, and other Things belonging to them; Fire-Balls, Gunpowder, Match, Cannon Ball, Pikes, Swords, Lances, Spears, Halberds, Mortars, Petards, Granadoes, Saltpetre, Musketts, Muskett Balls, Helms, Head Pieces, Breast Plates, Coats of Mail, and the like Kinds of Arms proper for arming Soldiers, Muskett-rests, Belts, Horses with their Furniture, and all other war like Instruments whatever.¹ These Merchandizes which follow, shall not be reckoned among Contraband or prohibited Goods; that is to Say, all Sorts of Cloths, and all other Manufactures woven of any Wool, Flax, Silk, Cotton, or any other Materials whatever; all Kinds of Wearing apparell, together with the Species whereof they are used to be made; Gold and Silver, as well coined as uncoined, Tin, Iron, Lead, Copper, Brass, Coals; as also Wheat and Barley, and any other Kind of Corn and Pulse; Tobacco, and likewise all manner of Spices; Salted and Smoked Flesh, Salted Fish, Cheese and Butter, Beer, Oils, Wines, Sugars, and all Sorts of Salt; and in general, all Provisions which Serve for the Nourishment of Mankind, and the Sustenance of Life: Furthermore, all Kinds of Cotton, Hemp, Flax, Tar, Pitch, Ropes, Cables, Sails, Sail Cloths Anchors, and any Parts of Anchors; also Ships Masts, Planks, Boards, and Beams, of what Trees Soever; and all other Things proper either for building or repairing Ships, and all other Goods whatever which have not been worked into the Form of any Instrument or Thing prepared for War, by Land or by Sea, shall not be reputed Contraband, much less such as have been already wrought and made up for any other use; all which shall wholly be reckoned among free Goods; as likewise all other Merchandizes and Things which are not comprehended, and particularly mentioned in the foregoing Enumeration of Contraband Goods; So that they may be transported and carried in the freeest Manner by the Subjects of both Confederates,² even to Places belonging to an Enemy, such Towns or Places being only excepted as are at that time besieged, blocked up, or invested.

¹ Charles Thomson has written on the margin of No. 1, but struck out: "indigo and all other materials for dying." It is also written on the Wilson copy.

² "Qu. Whether this should not be 'Partner.'" *James Wilson.*

ART. 28. To the End that all manner of Dissentions and Quarrells may be avoided and prevented on one Side and the other, it is agreed, that in Case either of the Parties hereto, should be engaged in War, the Ships and Vessells belonging to the Subjects or People of the other Ally, must be furnished with Sea Letters or Passports expressing the Name, Property and Bulk of the Ship, as also the Name and Place of Habitation of the Master or Commander of the said Ship, that it may appear thereby, that the Ship really and truly belongs to the Subjects of one of the Parties; which Passports shall be made out and granted according to the Form annexed to this Treaty; they shall likewise be recalled every Year that is, if the Ship happens to return home within the Space of a Year. It is likewise agreed, that such Ships being laden, are to be provided, not only with Passports as abovementioned, but also with Certificates, containing the Several Particulars of the Cargo, the Place whence the Ship sailed, and whither She is bound; that so it may be known whether any forbidden or contraband Goods, be on board the same; which Certificates shall be made out by the Officers of the Place whence the Ship Set Sail, in the accustomed Form. And if any one shall think it fit or advisable to express in the said Certificates the Person to whom the Goods on board belong, he may freely do so.

ART. 29. The Ships of the Subjects and Inhabitants of either of the Parties, coming upon any Coast belonging to either of the said Allies, but not willing to enter into Port, or being entered into Port, and not willing to unload their Cargoes, or break Bulk, shall not be obliged to give an Account of their Lading, unless they should be Suspected, upon some manifest Tokens, of carrying to the Enemy of the other Ally, any prohibited Goods called Contraband. And in Case of such manifest Suspicion, the said Subjects and Inhabitants, of either of the Parties, shall be obliged to exhibit in the Ports, their Passports and Certificates, in the manner before Specified.

ART. 30. That if the Ships of the said Subjects, People or Inhabitants of either of the Parties, shall be met with, either Sailing along the Coasts, or on the high Seas, by any Ship of War of the other, or by any Privateers, the said Ships of War or Privateers, for the avoiding of any disorder, shall remain out of Cannon Shot, and may send their Boats, aboard the Merchant Ship, which they shall so meet with, and may enter her

to the Number of two or three Men only, to whom the Master or Commander of such Ship or Vessell shall exhibit his Passport, concerning the Property of the Ship, made out according to the Forms inserted in this present Treaty; and the Ship when she shall have shewed such Passport, shall be free and at Liberty to pursue her Voyage, so as it shall not be lawfull to molest or search her in any Manner, or to give her Chase, or force her to quit her intended Course.

To succeed the 30th Article¹

It is also agreed that all Goods when once put on board the Ships or Vessels of either Parties shall be subject to no farther Visitation, but all Visitation or Search shall be made before Hand; and all prohibited Goods shall be stopt on the Spot, before the same be put on board the Ships or Vessels of the respective State: Nor shall either the Persons or Goods of the Subjects of His most christian Majesty or the United States be put under any Arrest or molested by any other Kind of Embargo for that Cause; and only the Subject of that State by whom the said Goods have been or shall be prohibited and shall presume to sell or alienate such sort of Goods shall be duly punished for the Offence.

Form of the Passports and Letters, which are to be given, to the Ships and Barks, which shall go according to the twenty-seventh² Article of this Treaty.

To all who shall See these Presents Greeting: It is hereby made known, that Leave and Permission has been given to Master and Commander of the Ship called of the Town of Burthen Tons or thereabouts, lying at present in the Port and Haven of and bound for and laden with after that his Ship has been visited, and before Sailing, he shall make Oath before the officers who have the Jurisdiction of maritime Affairs, that the said Ship belongs to one or more of the Subjects of the Act whereof shall be put at the End of these Presents; as likewise that he will keep and cause to be kept by his Crew, on board, the Marine ordinances and Regulations, and enter in the

¹ This amendment, in the writing of Edward Rutledge, is in the *Papers of the Continental Congress*, No. 47, folio 145a. It was inserted by Charles Thomson on No. 1. and by Wilson on his copy.

² The number is in a writing other than that of John Adams.

proper Office a List signed and witnessed containing the Names and Surnames, the Places of Birth and Abode of the Crew of his Ship, and of all who shall embark, on board her, whom he shall not take on board without the Knowledge and Permission of the officers of the Marine; and in every Port or Haven where he shall enter with his Ship, he shall shew this present Leave to the officers and Judges of the Marine, and shall give a faithfull account to them of what passed and was done during his Voyage, and he shall carry the Colours, Arms, and Ensigns of the King, (or of the united States) during his Voyage. In Witness whereof, We have Signed these Presents, and put the Seal of our Arms thereunto, and caused the Same to be countersigned by at
the Day of 17 .

Form of the Act containing the Oath.

We of the Admiralty of do certify that
Master of the Ship named in the above Passport, hath taken the oath
mentioned therein. Done at the Day of 17 .

Form of the Certificates to be required of and to be given by the Magistrates or officers of the Customs of the Town and Port in their respective Towns and Ports, to the Ships and Vessels, which Sail from thence, according to the Directions of the Article of this present Treaty.

We A. B. Magistrate, (or) officers of the Customs of the Town and Port of C. do certify and attest, that on the Day of the Month of in the Year of our Lord 17 D. E. of F. personally appeared before Us, and declared by a Solemn Oath, that the Ship or Vessel called G. of about Tons whereof H. I. of K. his usual Place of Habitation, is Master or Commander, does rightfully and properly belong to him and others Subjects of and to them alone: That She is now bound from the Port of L. to the Port of M. laden with the Goods and Merchandizes here under particularly described and enumerated, that is to Say, as follows.

In Witness whereof we have Signed this Certificate, and Sealed it with the Seal of our office. Given the day of the Month of in the Year of our Lord 17 .

Ordered, To lie on the table.

TUESDAY, SEPTEMBER 17, 1776

Congress took into consideration the plan of treaties to be proposed to foreign nations, [with] the amendments proposed by the committee of the whole.

Resolved, That the following plan of a treaty be proposed to His Most Christian Majesty.¹

PLAN OF TREATIES.²

There shall be a firm, inviolable, and universal Peace, and a true and sincere Friendship between A. and B. and the Subjects of A. and of B. and between the Countries, Islands, Cities, and Towns situate under the Jurisdiction of A. and of B. and the People and Inhabitants thereof of every degree; with out Exception of Persons or Places; and the Terms herein after mentioned shall be perpetual between A. and B.

ART. I. The Subjects of the most Christian King shall pay no other Duties or Imposts in the Ports, Havens, Roads, Countries, Islands, Cities, or Towns of the said united States, or any of them, than the Natives thereof, or any Commercial Companies established by them or any of them, shall pay, but shall enjoy all other the Rights, Liberties, Priviledges, Immunities, and Exemptions in Trade, Navigation and Commerce in passing from one Part thereof to another, and in going to and from the same, from and to any Part of the World, which the said Natives, or Companies enjoy.

ART. II. The Subjects, People and Inhabitants of the said united States, and every of them, shall pay no other Duties, or Imposts in the Ports, Havens, Roads, Countries, Islands, Cities, or Towns of the most Christian King, than the Natives of such Countries, Islands, Cities, or Towns of France, or any commercial Companies established by the most Christian King shall pay, but shall enjoy all other the Rights, Liberties, Priviledges, Immunities and Exemptions in Trade, Navigation and Commerce, in passing from one port [Part] thereof to

¹ This last paragraph is taken from the printed *Secret Journals*, Foreign Affairs.

² See under July 18, 1776, p. 576 *ante*, for the first form of this plan.

another, and in going to and from the same, from and to any Part of the World, which the said Natives, or Companies enjoy.

ART. III. His most Christian Majesty shall retain the same Rights of Fishery on the Banks of Newfoundland, and all other Rights relating to any of the said Islands, which he is entitled to by virtue of the Treaty of Paris.

ART. IV. The most Christian King shall endeavour, by all the Means in his Power to protect and defend all Vessells, and the Effects belonging to the Subjects, People, or Inhabitants of the said united States, or any of them, being in his Ports, Havens, or Roads, or on the Seas, near to his Countries, Islands, Cities, or Towns, and to recover and to restore, to the right owners, their Agents or Attornies, all such Vessells, and Effects, which shall be taken, within his Jurisdiction; and his Ships of War, or any Convoys sailing under his Authority, shall upon all occasions, take under their Protection all Vessells belonging to the Subjects, People or Inhabitants of the said United States, or any of them, and holding the same Course, or going the same Way, and shall defend such Vessells as long as they hold the same Course, or go the same Way, against all Attacks, Force, and Violence, in the same manner, as they ought to protect and defend Vessells belonging to the Subjects of the most Christian King.

ART. V. In like manner the said United States, and their Ships of War and Convoys sailing under their Authority shall protect and defend all Vessells and Effects belonging to the Subjects of the most Christian King, and endeavour to recover and restore them, if taken within the Jurisdiction of the said United States, or any of them.

ART. VI. The most Christian King and the said United States shall not receive, nor suffer to be received into any of their Ports, Havens, Roads, Countries, Islands, Cities or Towns, any Pirates, or Sea Robbers, or afford, or suffer any Entertainment, Assistance, or Provision to be afforded to them, but shall endeavour by all Means, that all Pirates, and Sea Robbers, and their Partners, Sharers, and Abettors be found out, apprehended, and suffer condign Punishment; and all the Vessells and Effects piratically taken, and brought into the Ports or Havens of the most Christian King, or the said United States, which can be found, altho they be Sold, shall be restored, or Satisfaction given therefor to the right owners, their Agents or Attornies demanding the same, and making the right of Property to appear by due Proof.

ART. VII. The most Christian King shall protect, defend and secure, as far as in his Power, the Subjects, People and Inhabitants of the said United States and every of them, and their Vessells and Effects of every Kind, against all Attacks, Assaults, Violences, Injuries, Depredations or Plunderings by or from the King or Emperor of Morocco, or Fez, and the States of Algiers, Tunis and Tripoli, and any of them, and every other Prince, State and Power, on the Coast of Barbary in Africa and the Subjects of the said King, Emperor, States, and Powers, and of every of them, in the same manner, and as effectually and fully, and as much to the Benefit Advantage Ease and Safety of the said united States and every of them, and of the Subjects, People, and Inhabitants thereof, to all Intents and Purposes, as the King and Kingdom of Great Britain, before the Commencement of the present War, protected, defended, and secured the People and Inhabitants of the said United States, then called the British Colonies, in America, their Vessells and Effects, against all such attacks, Assaults, Violences, Injuries, Depredations and Plunderings.

ART. VIII. If, in Consequence of this Treaty, the King of Great Britain, should declare War, against the most Christian King, the said United States shall not assist Great Britain, in such War, with Men, Money, Ships, or any of the Articles in this treaty denominated Contraband Goods.

ART. IX. The most Christian King, shall never invade, nor under any pretence attempt to possess himself of Labradore, New Britain, Nova Scotia, Acadia, Canada, Florida, nor any of the Countries, Cities, or Towns, on the Continent of North America, nor of the Islands of Newfoundland, Cape Breton, St. John's, Anticosti, nor of any other Island lying near to the said Continent, in the Seas, or in any Gulph, Bay, or River, it being the true Intent and meaning of this Treaty, that the said United States, shall have the sole, exclusive, undivided and perpetual Possession of the Countries, Cities, and Towns, on the said Continent, and of all Islands near to it, which now are, or lately were under the Jurisdiction of or Subject to the King or Crown of Great Britain, whenever they shall be united or confederated with the said United States.

ART. X. The subjects, inhabitants, merchants, commanders of ships, masters and mariners, of the states, provinces and dominions of each party, respectively, shall abstain and forbear to fish in all places, pos-

sessed, or which shall be possessed by the other party. The most christian king's subjects shall not fish in the havens, bays, creeks, roads, coasts or places which the said United States hold, or shall hereafter hold; and in like manner, the subjects, people and inhabitants of the said United States shall not fish in the havens, bays, creeks, roads, coasts or places which the most christian king possesses, or shall hereafter possess. And if any ship or vessel shall be found fishing, contrary to the tenor of this treaty, the said ship or vessel, with its lading, proof being made thereof, shall be confiscated.

ART. XI. If in any War, the most Christian King, shall conquer, or get Possession of the Islands in the West Indies, now under the Jurisdiction of the King or Crown of Great Britain, or any of them, or any Dominions of the said King or Crown in any other Parts of the World, the Subjects, People and Inhabitants of the said United States, and every of them, shall enjoy the same Rights, Liberties, Priviledges, Immunities and Exemptions in Trade, Commerce and Navigation, to and from the said Islands, and Dominions, that are mentioned in the Second Article of this Treaty.

ART. XII. It is the true Intent and Meaning of this Treaty, that no higher or other Duties shall be imposed on the Exportation of any Thing of the Growth, Production, or Manufacture of the Islands in the West Indies now belonging or which may hereafter belong to the most Christian King, to the said United States, or any of them, than the lowest that are or shall be imposed on the Exportation thereof to France or to any other Part of the World.

ART. XIII. It is agreed, by and between the said Parties that no Duties whatever shall ever here after be imposed on the Exportation of Molasses, from any of the Islands and Dominions of the most Christian King in the West Indies to any of these United States.

ART. XIV. The Subjects, People, and Inhabitants of the United States, or any of them, being Merchants and residing in France, and their Property, and Effects of every Kind, shall be exempt from the Droit d' Aubaine.

ART. XV. The Merchant Ship of either of the Parties, which shall be making into a Port belonging to the Enemy of the other Ally, and concerning whose Voyage, and the Species of Goods on board her, there shall be just Grounds of Suspicion, shall be obliged to exhibit, as well upon the high Seas as in the Ports and Havens, not only her Passports, but like wise Certificates, expressly shewing that her

Goods are not of the Number of those which have been prohibited, as Contraband.

ART. XVI. If by the exhibiting of the above Certificates, the other Party discover there are any of those Sorts of Goods, which are prohibited and declared Contraband, and consigned for a Port under the obedience of his Enemies, it shall not be lawfull to break up the Hatches of such Ship, or to open any Chest, Coffers, Packs, Casks, or any other Vessells found therein or to remove the smallest Parcels of her Goods, whether such Ship belong to the Subjects of France, or the Inhabitants of the said United States, unless the lading be brought on Shore in the Presence of the officers of the Court of Admiralty, and an Inventory thereof made; but there shall be no allowance to sell, exchange, or alienate the same in any manner, untill after that due and lawfull Process shall have been had against such prohibited Goods, and the Courts of Admiralty shall, by a Sentence pronounced, have confiscated the same, saving always as well the Ship itself, as any other Goods found therein, which by this Treaty, are to be esteemed free; neither may they be detained on Pretence of their being as it were infected by the prohibited Goods, much less shall they be confiscated as lawfull Prize: But if not the whole Cargo, but only Part thereof shall consist of prohibited or contraband Goods, and the Commander of the Ship shall be ready and willing to deliver them to the Captor who has discovered them, in such Case the Captor having received those Goods, shall forthwith discharge the Ship, and not hinder her by any Means freely to prosecute the Voyage on which she was bound.

ART. XVII. On the Contrary, it is agreed, that whatever shall be found to be laden by the Subjects and Inhabitants of either Party, on any Ship belonging to the Enemy of the other, or to his Subjects, although it be not of the Sort of prohibited Goods, may be confiscated in the same Manner as if it belonged to the Enemy himself, except such Goods and Merchandise as were put on board such Ship before the Declaration of War, or even after such Declaration, if so be it were done without the Knowledge of such Declaration. So that the Goods of the Subjects or People of either Party, whether they be of the Nature of such as are prohibited, or otherwise which, as is aforesaid, were put on board any Ship belonging to an Enemy before the War, or after the Declaration of it, without the Knowledge of it, shall no wise be liable to Confiscation, but shall well and truly be restored

without delay to the Proprietors demanding the same; but so as that if the said Merchandises be contraband, it shall not be any Ways lawfull to carry them afterwards to any Ports belonging to the Enemy.

ART. XVIII. And that more effectual Care may be taken, for the Security of the Subjects, and Inhabitants of both Parties, that they suffer no Injury by the Men of War or Privateers of the other Party, all the Commanders of the Ships of the most Christian King, and of the said United States and all their Subjects and Inhabitants, shall be forbid, doing any Injury, or Damage to the other Side; and if they act to the contrary, they shall be punished, and shall moreover be bound to make Satisfaction for all matter of Damage, and the Interest thereof, by Reparation, under the Penalty and Obligation of their Person and Goods.

ART. XIX. All Ships, and Merchandises, of what Nature soever, which shall be rescued out of the Hands of any Pirates, or Robbers on the high Seas, shall be brought into some Port of either State, and shall be delivered to the Custody of the officers of that Port, in order to be restored entire to the true Proprietor, as soon as due and sufficient Proof shall be made, concerning the Property, thereof.

ART. XX. It shall be lawfull for the Ships of War of either Party, and Privateers, freely to carry whithersoever they please, the Ships and Goods, taken from their Enemies, without being obliged to pay any Duty to the Officers of the Admiralty or any other Judges; nor shall such Prizes be arrested, or seized, when they come to, and enter the Ports of either Party; nor shall the Searchers, or other Officers of those Places search the same, or make Examination concerning the Lawfullness of such Prizes, but they may hoist Sail, at any Time and depart and carry their Prizes to the Place expressed in their Commissions, which the Commanders of such Ships of War shall be obliged to shew. On the Contrary, no Shelter, or Refuge shall be given in their Ports to such as shall have made Prize of the Subjects, People, or Property, of either of the Parties; but if such should come in, being forced by Stress of Weather, or the Danger of the Sea, all proper Means shall be vigorously used, that they go out, and retire from thence as soon as possible.

ART. XXI. If any Ships belonging to either of the Parties, their Subjects or People, shall, within the Coasts, or Dominions of the other, stick upon the sands or be wrecked, or suffer any other Damage, all friendly assistance and Relief shall be given to the Persons Ship-

wrecked, or such as shall be in danger thereof; and Letters of Safe Conduct shall likewise be given to them for their free and quiet Passage from thence, and the Return of every one to his own Country.

ART. XXII. In Case the Subjects and People of either Party, with their Shipping, whether public, and of War, or private and of Merchants, be forced through Stress of Weather, Pursuit of Pirates or Enemies, or any other urgent Necessity, for Seeking of Shelter and Harbour, to retreat, and enter into any of the Rivers, Creeks, Bays, Havens, Roads, Ports, or Shores, belonging to the other Party; they shall be received and treated with all Humanity, and Kindness, and enjoy all friendly Protection and Help; and they shall be permitted to refresh and provide themselves, at reasonable Rates, with Victuals and all Things needfull for the Sustenance of their Persons, or Reparation of their Ships, and Conveniency of their Voyage; and they shall no Ways be detained or hindered from returning out of the said Ports or Roads, but may remove and depart when and whither they please, without any Lett or Hindrance;

ART. XXIII. For the better promoting of Commerce on both Sides, it is agreed, that if a War shall break out between the Said two Nations, Six Months, after the Proclamation of War, shall be allowed to the Merchants, in the Cities and Towns where they live, for settling and transporting their Goods and Merchandizes; and if any Thing be taken from them, or any Injury be done them within that Time by either Party, or the People or Subjects of either, full Satisfaction shall be made for the Same.

ART. XXIV. No Subjects of the most Christian King, shall apply for, or take any Commission or Letters of Marque for arming any Ship or Ships to act as Privateers, against the said United States or any of them, or against the Subjects, People, or Inhabitants of the said United States or any of them, or against the Property of any of the Inhabitants of any of them, from any Prince, or State with which the said United States shall be at War. Nor shall any Citizen, Subject, or Inhabitant, of the said United States or any of them, apply for, or take any Commission or Letters of Marque for arming any Ship or Ships to act as Privateers, against the Subjects of the most Christian King or any of them, or the Property of any of them, from any Prince or State, with which the said King shall be at War: And if any Person of either Nation shall take such Commissions or Letters of Marque, he shall be punished as a Pirate.

ART. XXV. It shall not be lawfull for any foreign Privateers not belonging [to the] Subjects of the most Christian King, nor Citizens of the said United States, who have Commissions from any other Prince or State, in Enmity with either Nation, to fit their Ships in the Ports of either the one or the other of the aforesaid Parties, to Sell what they have taken, or in any other manner whatsoever to exchange either Ships, Merchandizes, or any other Lading: neither shall they be allowed even to purchase Victuals, except such as shall be necessary for their going to the next Port of that Prince or State from which they have Commissions.

ART. XXVI. It shall be lawfull for all and Singular the Subjects of the most Christian King, and the Citizens, People, and Inhabitants of the said States, to Sail with their Ships, with all manner of Liberty and Security; no distinction being made, who are the Proprietors of the Merchandizes laden thereon from any Port, to the Places of those who now are, or hereafter shall be at Enmity with the most Christian King, or the United States. It shall likewise be lawfull for the Subjects and Inhabitants aforesaid, to sail with the Ships and Merchandizes aforementioned; and to trade with the same Liberty, and Security, from the Places, Ports, and Havens of those who are Enemies of both or either Party, without any opposition or Disturbance whatsoever, not only directly from the Places of the Enemy aforementioned to neutral Places; but also from one Place belonging to an Enemy, to another Place belonging to an Enemy, whether they be under the Jurisdiction of the same Prince or under Several: And it is hereby Stipulated that free Ships shall also give a Freedom to Goods, and that every Thing shall be deemed to be free and exempt, which shall be found on board the Ships, belonging to the Subjects of either of the Confederates; although the whole Lading or any Part thereof, should appertain to the Enemies of Either, Contraband Goods being always excepted. It is also agreed in like manner, that the same Liberty, be extended to Persons, who are on board a free Ship with this Effect, that although they be Enemies to both or either Party, they are not to be taken out of that free Ship, unless they are Soldiers, and in actual Service of the Enemies.

ART. XXVII. This Liberty of Navigation and Commerce shall extend to all Kinds of Merchandizes, excepting those only which are distinguished by the Name of Contraband: and under this Name of Contraband, or prohibited Goods, shall be comprehended Arms, Great

Guns, Bombs with their Fuzees, and other Things belonging to them; Fire Balls, Gunpowder, Match, Cannon Ball, Pikes, Swords, Lances, Spears, Halberds, Mortars, Petards, Granadoes, Saltpetre, Musketts, Musckett Balls, Helmets, Head Pieces, Breast Plates, Coats of Mail, and the like Kind of Arms proper for arming Soldiers, Musckett rests, Belts, Horses with their Furniture, and all other war like Instruments whatsoever. These Merchandizes which follow, shall not be reckoned among Contraband or prohibited Goods; that is to Say, all Sorts of Cloths, and all other Manufactures woven of any Wool, Flax, Silk, Cotton, or any other Material whatever; all Kinds of Wearing apparell, together with the Species whereof they are used to be made; Gold and Silver, as well coined as uncoined, Tin, Iron, Lead, Copper, Brass, Coals; as also Wheat and Barley, and any other Kind of Corn and Pulse; Tobacco, and likewise all manner of Spices; Salted and Smoked Flesh, Salted Fish, Cheese and Butter, Beer, Oils, Wines, Sugars, and all Sorts of Salt; and in general, all Provisions which Serve for the Nourishment of Mankind, and the Sustenance of Life: Furthermore, all Kinds of Cotton, Hemp, Flax, Tar, Pitch, Ropes, Cables, Sails, Sail Cloth, Anchors, and any Parts of Anchors; also Ships' Masts, Planks, Boards, and Beams, of what Tree Soever; and all other Things proper either for building or repairing Ships, and all other Goods whatsoever which have not been worked into the Form of any Instrument or Thing prepared for War, by Land or by Sea, shall not be reputed Contraband, much less such as have been already wrought and made up for any other use; all which shall wholly be reckoned among free Goods; as likewise all other Merchandizes and Things which are not comprehended, and particularly mentioned in the foregoing Enumeration of Contraband Goods; So that they may be transported and carried in the freest Manner by the Subjects of both Confederates, even to Places belonging to an Enemy, such Towns and Places being only excepted as are at that time besieged, blocked up, or invested.

ART. XXVIII. To the End that all manner of Dissentions and Quarrells may be avoided and prevented on one Side and the other, it is agreed, that in Case either of the Parties hereto, should be engaged in a War, the Ships and Vessells belonging to the Subjects or People of the other Ally, must be furnished with Sea Letters or Passports, expressing the Name, Property and Bulk of the Ship, as also the Name and Place of Habitation of the Master or Commander of the said Ship,

that it may appear thereby, that the Ship really and truly belongs to the Subjects of one of the Parties; which Passports shall be made out and granted according to the Form annexed to this Treaty. They shall likewise be recalled every Year; that is, if the Ship happens to return home within the Space of a Year. It is likewise agreed, that such Ships being laden, are to be provided, not only with Passports as abovementioned, but also with Certificates, containing the Several Particulars of the Cargo, the Place whence the Ship sailed, and whither She is bound; that so it may be known whether any forbidden or contraband Goods, be on board the same; which Certificates shall be made out by the Officers of the Place whence the Ship Set Sail, in the accustomed Form. And if any one shall think it fit or advisable to express in the said Certificates the Persons to whom the Goods on board belong, he may freely do so.

ART. XXIX. The Ships of the Subjects and Inhabitants of either of the Parties, coming upon any Coast belonging to either of the said Allies, but not willing to enter into Port, or being entered into Port, and not willing to unload their Cargoes, or break Bulk, shall not be obliged to give an Account of their Lading, unless they should be Suspected, upon some manifest Tokens, of carrying to the Enemy of the other Ally, any prohibited Goods called Contraband; And in Case of such manifest Suspicion, the Parties shall be obliged to exhibit in the Ports, their Passports and Certificates, in the manner before Specified.

ART. XXX. If the Ships of the said Subjects, People or Inhabitants of either of the Parties, shall be met with, either Sailing along the Coast, or on the high Seas, by any Ship of War of the other, or by any Privateers, the said Ship of War or Privateers, for the avoiding of any disorder, shall remain out of Cannon Shot, and may send their Boats, on board the Merchant Ship, which they shall so meet with, and may enter her to the Number of two or three Men only, to whom the Master or Commander of such Ship or Vessel shall exhibit his Passport, concerning the Property of the Ship, made out according to the Form inserted in this present Treaty; and the Ship when she shall have shewed such Passport, shall be free and at Liberty to pursue her Voyage, so as it shall not be lawfull to molest or search her in any Manner, or to give her Chace, or force her to quit her intended Course. It is also agreed that all Goods when once put on board the Ships or Vessels of either Parties shall be subject to no farther Visitation, but all Visitation or Search shall be made before Hand; and all

prohibited Goods shall be stopt on the Spot, before the same be put on board the Ships or Vessels of the respective State: Nor shall either the Persons or Goods of the Subjects of His most christian Majesty or the United States be put under any Arrest or molested by any other Kind of Embargo for that Cause; and only the Subject of that State by whom the said Goods have or shall be prohibited, and shall presume to sell or alienate such sort of Goods, shall be duly punished for the Offence.

The Form of the Sea Letters and Passports, to be given, to Ships and Vessels, according to the twenty-eighth Article

To all who shall See these Presents Greeting: It is hereby made known, that Leave and Permission has been given to Master and Commander of the Ship called of the Town of Burthen Tons or thereabouts, lying at present in the Port and Haven of and bound for and laden with after that his Ship has been visited, and before Sailing, he shall make Oath before the officers who have the Jurisdiction of maritime Affairs, that the said Ship belongs to one or more of the Subjects of the Act whereof shall be put at the End of these Presents; as likewise that he will keep and cause to be kept by his Crew, on board, the Marine ordinances and Regulations, and enter in the proper Office a List signed and witnessed of the Crew of his Ship, and of all who shall embark, on board her, whom he shall not take on board without the Knowledge and Permission of the officers of the Marine; and in every Port and Haven where he shall enter with his Ship, he shall shew this present Leave to the officers and Judges of the Marine, and shall give a faithfull account to them of what passed and was done during his Voyage, and he shall carry the Colours, Arms, and Ensigns of during his Voyage.

In Witness whereof, We have Signed these Presents, and put the Seal of our Arms thereunto, and caused the Same to be countersigned by at the Day of A. D. .

The Form of the Act containing the Oath

We of the Admiralty of do certify that Master of the Ship named in the above Passport, hath taken the oath mentioned therein.

Done at the Day of A. D. .

INSTRUCTIONS TO COMMISSIONERS

TUESDAY, SEPTEMBER 24, 1776

Congress resumed the consideration of the instructions to the agent, and the same being debated by paragraphs, and amended, were agreed to.

INSTRUCTIONS TO

THERE is delivered to you herewith a Plan of a Treaty with his most Christian Majesty of France,¹ approved of in Congress, on the Part of the United States of America.

It is the wish of Congress that the Treaty should be concluded; and you are hereby instructed to use every Means in your Power for concluding it, ~~exactly~~ conformable to the Plan you have received.

If you shall find that to be impracticable, you are hereby authorised to relax the Demands of the United States, and to enlarge their Offers agreeably to the following Directions:

If his most Christian Majesty² shall not consent that the subjects [inhabitants] of the United States shall have the Privileges proposed in the second Article, then the United States ought not to give the Subjects of his most Christian Majesty the Privileges proposed in the first Article; but that the United States shall give to his most Christian Majesty the same Privileges, Liberties, and Immunities at least, and the like Favour in all Things which any foreign Nation the most favoured shall have; provided, his most Christian Majesty shall give to the United States the same Benefits, Privileges and Immuni-

¹ Inserted in the writing of John Hancock.

² In the draft the letters A and B are used instead of names.

ties which any the most favoured foreign Nation now has, uses, or enjoys. And, in Case neither of these Propositions of equal Advantages are [is] agreed to, then the whole of the said Articles are to be rejected, ~~without absolutely barring~~ rather than obstruct the further Progress of the Treaty.

The third [fourth] Article must be insisted upon.

The sixth [seventh] Article ought to be obtained, if possible; but should be waived, rather than that the Treaty should be interrupted by insisting upon it: His most Christian Majesty agreeing, nevertheless, to use his Interest and Influence to procure Passes from the States mentioned in this Article for the Vessels of the United States upon the Mediterranean.

The seventh [eighth] Article will probably be attended with some Difficulty. If you find his most Christian Majesty determined not to agree to it, you ^{postpon'd} are empowered to add to it, ~~any of the following Proposals Offers or two of them, or all of them, if one or two of them should be discovered to be unsatisfactory~~

1. ~~If A should undertake an Expedition to recover what she lost in the West Indies during the last War with G. Britain the United States will, in that Expedition, supply France with Provisions if required, and will not supply G. Britain with any.~~

2. ~~The United States will agree to an exclusive Contract in Favour of A. during the Term of Years, for Masts and Naval Stores, as far as they can spare them.~~ ^{postpon'd}

3. ~~The United States will not, upon a Peace with Great Britain, grant to her Terms of Commerce more advantageous than those they will grant to A,~~ ^{agreed}

as follows: [That the United States will never be subject, or acknowledge allegiance, or obedience, to the king, crown, or parliament of Great Britain; nor grant to that nation any exclusive trade; or any advantages, or privileges in trade, more than to his most christian majesty; neither shall any treaty for terminating the present war between the king of Great Britain and the United States, or any war which may be declared by the king of Great Britain against his most christian majesty, in consequence of this treaty, take effect, until the expiration of ~~eight~~ six calendar months after the negotiation for that purpose shall have been duly notified, in the former instance by the United States to his most christian majesty, and in the other instance, by his most christian majesty to the United States; to the end that both these parties may be included in the peace, if they think proper.]¹

The eleventh and twelfth [twelfth and thirteenth] Articles are to be waived, if you find that the Treaty will be interrupted by insisting on it [them].

You will press the thirteenth [fourteenth] Article; but let not the Fate of the Treaty depend upon obtaining it.

If his most Christian Majesty should be unwilling to agree to the fifteenth [sixteenth] and twenty sixth Articles, you are directed to consent that the Goods and Effects of Enemies, on Board the Ships and Vessels of either Party, shall be liable to Seizure and Confiscation.

The twenty fifth Article is not to be insisted upon.

~~As the Scarcity of Arms, Artillery, and other military Stores is so considerable in the United States,~~ You will solicit the Court of France for on immediate Supply of twenty or thirty thousand Muskets and Bayonets, and a large Supply of Ammunition and brass Field Pieces, to be

¹The sentences enclosed in brackets were an amendment in the writing of George Wythe.

sent under Convoy by France. The United States ~~will~~ engage for the Payment of the Arms, Artillery and Ammunition, and to indemnify France for the Expence of the Convoy.

Engage a few good Engineers in the Service of the United States.

It is highly probably that France means not to let the United States sink in the present Contest. But as the Difficulty of obtaining true Accounts of our Condition may cause an Opinion to be entertained that we are able to support the War on our own Strength and Resources longer than, in fact, we can do, it will be proper for you to press for the immediate and explicit declaration of France in our Favour, upon a Suggestion that a Re-union with Great Britain may be the Consequence of a delay.

Should Spain be disinclined to our Cause, from an Apprehension of Danger to his Dominions in South America, you are empowered to give the strongest Assurances, that that Crown will receive no Molestation from the United States, in the Possession of those Territories.

You will transmit to us the most speedy and full Intelligence of your Progress in this Business, and of any other European Transactions that it may import us to know.

[You are desired to get the best and earliest information that you possibly can of any negotiations that the Court of London may be carrying on for obtaining foreign mercenaries to be sent against these States the next Campaign; and if any such design is in agitation, you will endeavor to prevail with the Court of France to exert its influence in the most effectual manner to prevent the execution of such designs.

~~[If the Court of France cannot be prevailed on to engage in the War with Great Britain for any considerations already proposed in this Treaty, you are hereby authorized to agree as a further inducement, that these United States will wage the war in union with France not make peace with Great Britain until the latter France shall gain the possession of those Islands in the West Indies formerly called Neutral, and which by the Treaty of Paris were ceded to G. Britain: provided France shall make the conquest of these Islands an early object of the War and prosecute the same with sufficient force.~~

[You are desired to obtain, as early as possible, a public acknowledgment of the Independency of these States on the Crown and Parliament of Great Britain, by the Court of France.]¹

In conducting this important Business, the Congress have the greatest Confidence in your Address, Abilities, Vigilance, and Attachment to the Interests of the United States; and wish you every Success.²

¹ The paragraphs in brackets were amendments by Richard Henry Lee.

² The original, in the writing of James Wilson, with the amendments as just noted, is in the *Papers of the Continental Congress*, No. 47, folio 157. It bears an endorsement: "Report of the Com^{ee} on Instructions, bro't in Sept^r 10, 1776."

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1776

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